

- (8) He shall, as regards the allotment garden, observe and perform all conditions and covenants contained in the lease or conveyance under which the Council hold the land.
- (9) He shall observe and perform any other special conditions 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.
- (10) The tenant shall not use the allotment garden or any part thereof for the purpose of a trade or business and in particular for the sale of any of the fruit or vegetables grown on the allotment garden.
- (11) The tenant shall not later than the determination of his tenancy remove or cause to be removed at the request and direction of the Council all sheds, buildings, erections of whatsoever kind and the foundations of the same situate on the allotment gardens. If the Tenant refuses or fails to remove the said buildings etc., the Council may remove the same and charge the cost thereof to the outgoing tenant.
- (12) The Tenant shall not bring or permit to be brought onto or kept on the allotment garden any dog or other animal except with the written consent of the City Council.
- (13) The Tenant shall not make any well on the allotment garden. Nor shall he use the allotment garden or any building, shed or any structure lawfully erected thereon for the storage of any goods, chattels, or supplies other than those used directly in the cultivation and maintenance of the allotment garden or which are ancillary to the use, occupation or enjoyment of the allotment garden and in particular he shall not store any motor vehicle thereon. Provided that Rules 7(6), (9) and (12) above shall not prohibit the keeping of hens or rabbits, or the erection of a building suitable for that purpose, on a small portion of the allotment garden in such a manner as not to be prejudicial to health or a nuisance or affect the operation of any enactment.

PAYMENT OF RENTS

8. The rent of an allotment garden shall, unless otherwise agreed in writing, be paid on the date or dates prescribed by the tenancy but in the absence of any express provision shall be paid on the 6th day of April or 29th day of September each year.

POWER TO INSPECT ALLOTMENT GARDENS

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

TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN

10. The tenancy of the allotment garden shall, unless otherwise agreed in writing, terminate on the half 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.

It may also be terminated by the Council by re-entry after one months notice:-

- (1) If the rent is in arrear for not less than 40 days; or
- (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;

The tenancy may also be terminated by the Council or tenant by 12 months notice in writing expiring on the 5th April in any year.

EXEMPTION OF CERTAIN LETTINGS FROM THESE RULES

11. These Rules shall not apply to any allotment garden which the Council, under special circumstances, to be recorded in their minutes, may exempt from these Rules, and shall apply, except as aforesaid to an allotment garden though held under a tenancy made before these Rules come into operation, but not so as to affect any right to compensation for an improvement executed before these Rules come into operation.

SERVICE OF NOTICES

12. Any notice may be served on a tenant either personally or by leaving it at his last known place of abode, or by registered letter addressed to him there, or by fixing the same in some conspicuous manner on the allotment garden. Any notice may be served on the Council or its agents by delivery of the said notice either by hand or by prepaid post to the Leisure Division, Education Department, Cumberland House, Crown Square, Manchester M60 3BB.

THE COMMON Seal of the Council of the CITY OF MANCHESTER was hereunto affixed in pursuance of an Order of the Council of the said City.

CS
367092

ROY INGHAM

AUTHORISED SIGNATORY

The Foregoing Rules are hereby confirmed by the Secretary of State for the Environment and shall come into operation on 1st December, 1978.

M. BISHOP

Signed by authority of the Secretary of State

30th October, 1978.

Senior Executive Officer
in the Department of the
Environment.

SCHEDULE

FORM OF APPLICATION FOR ALLOTMENT GARDENS

To

I, the undersigned, hereby make application for one (or No.) of the allotment gardens provided by the Council at —

1. Name
2. Residence
3. Age
4. How long resident in the City of Manchester
5. Whether holding any allotment garden or agricultural land (other than a garden or 20 poles or less attached to my residence) and if so —
 - (a) From whom
 - (b) Extent of land so held
 - (c) Whether quitting the land, and, if so, when

In the event of my application being granted, I agree when required by the Council, to sign an agreement for letting in accordance with the Rules, and to pay the stamp duty (if any) on such agreement

Signature

Date

Every application for an allotment garden shall be in the Form appended to these Rules, or to the like effect, and shall be sent or delivered to the agent who shall enter particulars of the application in the 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 20 poles 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 gardens 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 the 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 a person duly "authorised in that behalf" and may be in the Form set out in the Schedule to these 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 and in a good state of cultivation and fertility and in good condition.
 - (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 garden.
 - (3) He shall not underlet, assign, or part with the possession of the allotment garden or any part of it, without the written consent of the Council.
 - (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 garden 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 the written consent of the Council, erect any building or other structure of any kind on the allotment garden which consent may be given on such conditions as to siting, design and materials as the Council think fit.
 - (7) He shall not erect or maintain (except with the written consent of the Council) any fence or hedge or other partition on the allotment garden or use barbed wire for any fence or partition adjoining any path set out by the Council for the use of the occupiers of the allotment gardens.

THE ALLOTMENTS ACTS, 1908 to 1950
RULES AS TO ALLOTMENT GARDENS.
Laid by the Council of the City of Manchester with respect to
Allotment Gardens for the City of Manchester.

INTERPRETATION OF TERMS

1. Throughout these Rules the expression "The Council" means the Council of the City of Manchester

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

2. Any man or woman, who at the time of application to the Council for an Allotment Garden, is resident in the City of Manchester shall be eligible to become a tenant of an allotment garden subject to the statutory provision that one person shall not hold allotments acquired under the above-mentioned Acts exceeding 5 acres.

DIVISION OF THE LAND INTO ALLOTMENT GARDENS

3. The Council before giving notice of 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 or their agents shall give public notice by bills or placards, posted in some conspicuous places in the City of Manchester or otherwise exhibited therein, setting forth the particulars as to any allotment gardens which they propose to let. Such notice shall specify the allotment gardens to be let, the rents to be paid for the same, the name and address of the person responsible for the letting of the allotment gardens (hereinafter called the "agent") 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 gardens, 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 or their agents 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 2 weeks before the last day for receiving an application for such allotment garden.

FORM OF AGREEMENT FOR LETTING

Agreement made this _____ day of _____ 19____
between the Council of the City of Manchester (hereinafter called "the Council") of the one part and

of

(hereinafter called "the tenant") of the other part, whereby the Council agree to let, and the tenant agrees to hire on a yearly tenancy from the _____ day of _____ 19____ the allotment garden

situate at

.....allotment site

(1) and numbered _____ and containing _____ or thereabouts (subject to the exceptions and reservations contained in the lease under which the Council hold the land) at the yearly rent of _____ payable quarterly/half yearly in advance on the 6th day of April and the 29th day of September and at a proportion of that rent for any part of the year over which the tenancy may extend such rent being subject to annual revision by the Council such revision to take effect on the 6th April each year provided that notice of the revision has been served on the tenant in accordance with the allotment garden rules made from time to time by the Council not less than 28 days before the revised rent is due to take effect.

The tenancy is subject to the Allotment Garden Rules made from time to time by the Council, and to the Allotment Acts 1908 to 1950 and to such other conditions as shall from time to time be notified to the tenant by the Council.

Signed

Witness

Signed

Witness

Tenant



CITY OF MANCHESTER

**RULES AS TO
ALLOTMENT GARDENS**
