



***Burley Model***  
***Allotments***  
***Association***  
***Rules***

**Established 1892**  
**Remodeled 1958**

***Issue Number - Draft Version 05***

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## Introduction

The B.M.A.A. Rules aims to complement and underpin the contents of the constitution and the procedures. The procedures are laid out in a separate document and are a guide of how the Rules will be implemented.

The allotment site in the main runs very smoothly with most plot holders using commonsense, engendering a sense of community and responsiveness to the need of others. The rules are required to ensure that this status quo continues, they also can be interpreted as a handbook of allotment conduct.

The rules will address, in the main, the following items within the constitution:-

1. That:-

“We will actively pursue the continual improvement of the fertility, cleanliness, productivity and facilities of the site, as a whole, for the benefit of and as a legacy for those who follow.”

2. And that

“We will advise the plot holders to take care of their own health and safety and that of others affected by their acts or omissions. Ensure that the use of all machinery, work equipment, substances & transport equipment are carried out in accordance with the instruction and training received. Increase awareness of health and safety issues amongst plot holders and that the principles of Health and Safety are observed.”

This document is set out in two sections

1. Rules
2. Appendices

Section 1 The Rules; this section is set out into the following 5 sub sections.

1. People
2. The Site
3. Paths, Roadways and Hedges
4. Plots
5. Structures

Section 2 includes The Appendices which include Government Acts or other legislation mentioned in the rules.

# Section 1

## The Rules

## People

1. Any plot holder shall be entitled on termination of their tenancy to recover compensation only under and in accordance with the provisions of the Allotments Acts 1922 and 1950 (See appendix 1). The Association is to be indemnified against any other claim howsoever arising out of the tenant's use or occupation of the allotment and the site.
2. Members shall agree to their personal data relating to their membership of the Association to be stored and used on a computer by the Membership Secretary or other nominated person, for the purpose of the Association only, and in accordance with Part II Section 7 of the Data Protection Act 1998. (See appendix 2)
3. If rent is unpaid on the 10 December of any year the tenancy terminates automatically.
4. There shall be no subletting by the plot holder. Failure to comply with this will result in the automatic termination of the tenancy.
5. The tenant must inform the secretary of any change of address, telephone number or e-mail address. Failure to notify the Association of a change of address will result in the automatic termination of the tenancy.
6. Plot holders will be held personally responsible for any damage caused by any visitors who may accompany them on to the site.
7. Plot holders of the Association must ensure that children are supervised at all times.
8. No plot holder shall remove crops, produce or any other item from any other plot without the plot holder's permission. The committee shall have the power to end the tenancy immediately of anyone who causes theft or wilful injury.
9. Plot holders, and their visitors, must not act in any manner which interferes with the right of other plot holders to enjoy free and uninterrupted use of their plot. Plot holders must not cause nuisance or annoyance to members of the public, members of other associations or owners or occupiers of neighbouring properties. To do so will lead to the immediate termination of tenancy.
10. The Committee have the right to refuse admission to the allotment site, to any person other than a member of the Association.
11. All cases of dispute between tenants or grievances against another plot holder or the actions of the B.M.A.A. Committee shall be referred to the Committee in writing, and the Committee's decision shall be final.
12. No plot holder will communicate directly with the Council on any matter regarding the allotment or site but will address all such communications to the Secretary of the Association.
13. The tenancy may be ended automatically if any member of the association breaks the rules or the constitution.
14. Plot holders of the association or their visitors must contact a member of the committee if they wish to report a health and safety issue.

## The Site

1. All dogs must be under control at all times. That is, on a short lead on public paths when the plot holder is travelling to and from their plot; otherwise secured on the plot, not on the roadway. Dog owners must clear up any dog fouling and remove it from the site.
2. Plot holders shall not upon any part of the allotment garden light any fire such as to allow smoke to drift across a road, cause annoyance to any person or persons or cause damage to any allotment garden, or so as to contravene section 16 of the Clean Air Act 1956, the Environmental Protection Act 1990 or any local by laws. (See Appendix 3,4 &5)
3. Plot holders must not lend or give their site key to any individual who is not a member of the B.M.A.A.
4. The use of carpets is not allowed anywhere on the site as from April 2010 and no carpets must be brought on to the site from the date these rules are adopted.
5. The use of barbed wire, razor wire etc. is not allowed anywhere on the site.
6. The keeping of animals or any other livestock is not allowed anywhere on the site.
7. No flammable liquids are to be stored on the site.
8. It is the responsibility of each plot holder to ensure that they (or their visitors) lock the gates after entering and leaving the site (except when advised to the contrary) and not to enter or attempt to enter the site other than by means of the gates.
9. All plot holders and visitors must park their cars considerately, not blocking the access roads, and be ready to move them at once if asked.
10. Non-compostable rubbish must be removed from the site by the plot holder.
11. Plot holders must not introduce, to the allotment site invasive and/or poisonous weeds, this includes any of the following invasive and or poisonous weeds – Japanese Knotweed, Himalayan Balsam, Giant Hogweed. If any of these plants are found growing on the allotment site then the committee must be notified.
12. Broken glass must be removed from the allotment site immediately.
13. Cooked food must not be composted on the allotment site.
14. Plot holders must not use the water butts for washing produce or equipment.

## **Paths Roadways and Hedges**

1. The plot holder must ensure that their right-hand path (when facing the plot from the roadway) is maintained in a readily accessible condition. Additionally a clear demarcation must be maintained between a plot and where it joins the road.
2. Rubbish must not be left on adjoining paths or roadways.
3. The path width must be a minimum of 2 feet. Where a path is wider than this, it must come from the plot holder land that is responsible for the path and not their neighbours.
4. Trees and bushes must not be planted where they will cause an obstruction to the path or roadway.
5. Bicycles or motorcycles may be ridden upon the roadway, at walking pace. However, bicycles or motorcycles must not be ridden on paths between plots. This includes the wicket gate paths.
6. Holders of plots bordered by hedges must keep the inside clipped and in good order.
7. The inside line of the hedge must not be further than 2 feet from the metal fence within the hedge.
8. It is the duty of the plot holder to ensure that the size of the boundary hedge must not be lower than six foot high (on the outside). Except plots 78 to 100 with a boundary next to a neighbouring property, where the height can be no lower than five foot. But only where there have been complaints from neighbours regarding light.
9. Plot holders must not interfere with or remove any hedges, fences, walls or boundary marks.

### **Definition of a Roadway**

A roadway is defined as any 4 wheeled vehicular access from double gate to double gate and also the main access route in Lumley Place. Included are the two pedestrian paths served by the wicket gates in St Michael's Lane and the service road at the back and sides of the hut. These areas are the responsibility of the committee to keep in a serviceable condition.

## **Plots**

1. No plot holder may hold tenancies that amount to more than 900 square yards of land. i.e. 3 full plots. This rule may be waived at the discretion of by the Committee in response to extensive periods when plot availability exceeds demand.
2. The condition of plots must be maintained at all times to a “Reasonable Standard”.
3. If a plot is not kept to a “Reasonable Standard” the Committee will inform the plot holder and put into effect the tenancy termination procedure.
4. Plot holders must mark their plots with a numbered mark or peg indicating the number of the plot holder.
5. Holders of plots 78 to 100 must keep compost heaps or bins at least 40 foot away from the bottom boundary. This follows complaints from householders about the smell of rotting vegetables.
6. All plots are to be used for the cultivation of vegetables, flowers or fruit.
7. Orchards must be kept clean, cultivated, or grassed cut to 4 inches or below.
8. All grassed areas must be cut to 4 inches or below.

## **Structures**

1. No greenhouses, permanent cold frames or any other constructions shall be built on the allotments without the prior permission of the secretary and (?) trustees. The basic rules for the erection of greenhouses etc. are set down by Leeds City Council and must be adhered to.
2. No sheds, huts or similar structures are to be erected.
3. At the end of a tenancy (for whatever reason) it is up to the plot holder to remove/dispose of any structure, Greenhouse, Cold Frame, fencing, gates, etc. on the vacated plot.
4. Where the Association have to remove a dangerous structure because the structure the structure does not comply with the approved structures specification or if it has not been maintained properly and is in a dangerous condition, action will be taken.
5. Structures for full or half plots with a boundary to a roadway will be placed three feet in from the roadway and other boundaries.
6. Structures for half plots that do not adjoin a roadway will place the structure three feet in from
  - The Hedge
  - The edge of the front of the plot

# Section 2

# Appendices

## **APPENDIX 1 THE ALLOTMENTS ACTS 1922 AND 1950**

### **COMPENSATION ON TERMINATION**

Section 2 of the 1922 Act provides that where a landlord terminates a tenancy of an allotment garden, the tenant is entitled to compensation for crops growing on the land in the ordinary course of cultivation and for manure applied to the land.

In addition, by virtue of section 3 of the 1950 Act, compensation of up to one year's rent is also payable. Tenants of allotments other than allotment gardens are eligible for compensation under section 47 of the 1908 Act when their landlord is an allotment authority whether the tenancy was terminated by the landlord or the tenant.

Provided the landlord did not prohibit the improvement, compensation is payable for the planting of certain fruit trees and bushes, various plants and also vegetable crops which continue to be productive for two or more years.

Instead of claiming under section 47 of the 1908 Act, tenants may claim compensation under section 2 of the 1922 Act. They may also remove any fruit, trees and bushes planted or acquired by them for which they have no claim for compensation.

Any greenhouse[s] or cold frame [s] built or acquired by the tenant may also be removed.

## **APPENDIX 2 DATA PROTECTION ACT 1998**

### **PART II**

#### **RIGHTS OF DATA SUBJECTS AND OTHERS**

Right of access to personal data.

#### **Section 7. –**

(1) Subject to the following provisions of this section and to sections 8 and 9, an individual is entitled-

(a) To be informed by any data controller whether personal data of which that individual is the data subject are being processed by or on behalf of that data controller,

(b) If that is the case, to be given by the data controller a description of-

(i) The personal data of which that individual is the data subject,

(ii) The purposes for which they are being or are to be processed, and

(iii) The recipients or classes of recipients to whom they are or may be disclosed,

(c) To have communicated to him in an intelligible form-

(i) The information constituting any personal data of which that individual is the data subject, and

(ii) Any information available to the data controller as to the source of those data, and

(d) where the processing by automatic means of personal data of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for example, his performance at work, his creditworthiness, his reliability or his conduct, has constituted or is likely to constitute the sole basis for any decision significantly affecting him, to be informed by the data controller of the logic involved in that decision-taking.

(2) A data controller is not obliged to supply any information under subsection (1) unless he has received-

(a) A request in writing, and

(b) Except in prescribed cases, such fee (not exceeding the prescribed maximum) as he may require.

(3) A data controller is not obliged to comply with a request under this section unless he is supplied with such information as he may reasonably require in order to satisfy himself as to the identity of the person making the request and to locate the information which that person seeks.

(4) Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, he is not obliged to comply with the request unless-

(a) The other individual has consented to the disclosure of the information to the person making the request, or

(b) It is reasonable in all the circumstances to comply with the request without the consent of the other individual.

## **APPENDIX 2 DATA PROTECTION ACT 1998**

(5) In subsection (4) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request; and that subsection is not to be construed as excusing a data controller from communicating so much of the information sought by the request as can be communicated without disclosing the identity of the other individual concerned, whether by the omission of names or other identifying particulars or otherwise.

(6) In determining for the purposes of subsection (4)(b) whether it is reasonable in all the circumstances to comply with the request without the consent of the other individual concerned, regard shall be had, in particular, to-

(a) Any duty of confidentiality owed to the other individual,

(b) Any steps taken by the data controller with a view to seeking the consent of the other individual,

(c) Whether the other individual is capable of giving consent, and

(d) Any express refusal of consent by the other individual.

(7) An individual making a request under this section may, in such cases as may be prescribed, specify that his request is limited to personal data of any prescribed description.

(8) Subject to subsection (4), a data controller shall comply with a request under this section promptly and in any event before the end of the prescribed period beginning with the relevant day.

(9) If a court is satisfied on the application of any person who has made a request under the foregoing provisions of this section that the data controller in question has failed to comply with the request in contravention of those provisions, the court may order him to comply with the request.

(10) In this section-

"Prescribed" means prescribed by the Secretary of State by regulations;

"The prescribed maximum" means such amount as may be prescribed;

"The prescribed period" means forty days or such other period as may be prescribed;

"The relevant day", in relation to a request under this section, means the day on which the data controller receives the request or, if later, the first day on which the data controller has both the required fee and the information referred to in subsection (3).

(11) Different amounts or periods may be prescribed under this section in relation to different cases.

## APPENDIX 3 CLEAN AIR ACT, 1956

An Act to make provision for abating the pollution of the air. [5th July, 1956]  
It is enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Statement 16.**—(1) Smoke other than— (a) smoke emitted from a chimney of a private dwelling; or (b) dark smoke emitted from a chimney of a building or from a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land, shall, if it is a nuisance to the inhabitants of the neighbourhood, be deemed for the purposes of Part III of the Public Health Act, 1936, to be a statutory nuisance, and section one hundred and nine of that Act (which contains a saving from the operation of the said Part III for mines and industrial processes) shall not apply in relation to it: Provided that, in any proceedings brought by virtue of this section—

(i) the maximum fines which may be imposed shall, in the case of a conviction for a failure to comply with, or for a contravention of, a nuisance order, be ten pounds and a further five pounds for each day on which the offence continues after conviction therefore;

(ii) In the case of smoke emitted from a chimney, it shall be a defence for the defendant to prove that the best practicable means had been employed to prevent the Nuisance.

(2) If the local authority are satisfied that such a nuisance as is mentioned in subsection (1) of this section has occurred and, although it has ceased, is likely to recur, they may, without serving an abatement notice, cause a complaint to be made to a justice of the peace, and a magistrates' court shall have power on that complaint to make an order on any person by reason of whose act, default or sufferance the nuisance arose prohibiting a recurrence of the nuisance and requiring him, within a time specified in the order, to execute any works necessary to prevent a recurrence; and the provisions of Part III of the Public Health Act, 1936, shall, with the necessary adaptations and modifications, apply in relation to proceedings under this subsection and orders made thereunder as they apply in relation to proceedings under the said Part III and nuisance orders made thereunder.

(3) In the application of this section to Scotland—

(a) In subsection (1), the words from "and section one hundred and nine of that Act" to "shall not apply in relation to it" and subsection (2) shall be omitted.

(b) For references to Part III of the Public Health Act, 1936, and to a statutory nuisance there shall be substituted respectively references to the Public Health (Scotland) Act, 1897, and to a nuisance liable to be dealt with summarily in manner provided by that Act;

(c) For any reference to a nuisance order there shall be substituted a reference to a decree for the removal or remedy or discontinuance or interdict of a nuisance granted under section twenty-two or twenty-three of the said Act of 1897 ; and

(d) for any reference to a defendant there shall be substituted a reference to a person against whom proceedings are taken for contravention of any such decree or interdict as aforesaid. Special cases

## **APPENDIX 4 ENVIRONMENTAL PROTECTION ACT 1990**

### **Part III Statutory Nuisances and Clean Air Statutory nuisances and inspections therefore.**

79.—(1) Subject to subsections (2) to (6) below, the following matters constitute "statutory nuisances" for the purposes of this Part, that is to say—

- (a) any premises in such a state as to be prejudicial to health or a nuisance;
- (b) smoke emitted from premises so as to be prejudicial to health or a nuisance;
- (c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
- (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- (e) any accumulation or deposit which is prejudicial to health or a nuisance;
- (f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- (g) noise emitted from premises so as to be prejudicial to health or a nuisance;
- (h) any other matter declared by any enactment to be a statutory nuisance; and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 below and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint.

(2) Subsection (1) (b) and (g) above do not apply in relation to premises—

- (a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence, or
- (b) occupied by or for the purposes of a visiting force; and "visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952.

(3) Subsection (1) (b) above does not apply to—

- (i) smoke emitted from a chimney of a private dwelling within a smoke control area,
- (ii) dark smoke emitted from a chimney of a building or a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land,
- (iii) smoke emitted from a railway locomotive steam engine, or
- (iv) dark smoke emitted otherwise than as mentioned above from industrial or trade premises.

(4) Subsection (1) (c) above does not apply in relation to premises other than private dwellings.

(5) Subsection (1) (d) above does not apply to steam emitted from a railway locomotive engine.

(6) Subsection (1) (g) above does not apply to noise caused by aircraft other than model aircraft.

(7) In this Part—

"chimney" includes structures and openings of any kind from or through which smoke may be emitted;

"dust" does not include dust emitted from a chimney as an ingredient of smoke;

"fumes" means any airborne solid matter smaller than dust;

"gas" includes vapour and moisture precipitated from vapour.

## **APPENDIX 5 CITY OF LEEDS BYELAWS**

Made under Section 61 of the Public Health Act 1936 and Section 24 of the Clean Air Act 1956 by the Lord Mayor Aldermen and Citizens of the City of Leeds, acting by the Council for the City of Leeds

The following part shall be inserted between Part IV and Part V of the series of byelaws made by the Lord Mayor Aldermen and Citizens of the City of Leeds acting by the Council for the City of Leeds on the fourth day of November 1953 and confirmed by the Minister of Housing and Local Government on the fourteenth day of December 1953 (and hereinafter called "the byelaws of 1953")

### **PART IV A – SMOKE PREVENTION**

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(1) There shall be provided in a new building (except insofar as heating is provided by furnaces to which Section 3 of the Clean Air Act 1956 applies) only such appliances for heating or cooking as are suitably designed for burning any of the following fuels, namely: (a) gas (b) electricity (c) coke or anthracite or are appliances of a description exempted conditionally or unconditionally from the provisions of Section 11 of the Clean Air Act 1956 (which relates to smoke control areas) by any order for the time being in force under subsection (4) of that section.

(2) This byelaw shall not apply in relation to a building begun before the date on which the byelaw comes into operation or begun after that date in pursuance of plans deposited in accordance with byelaws before that date.

(3) Nothing in the foregoing provisions of these byelaws shall be taken to apply this byelaw when an alteration or extension is made to a building.

2. These byelaws shall be construed as one with the byelaws of 1953.

The Common Seal of the Lord Mayor Aldermen and Citizens of the City of Leeds was hereunto affixed this third day of July 1957 in the presence of:

J. HILEY

Lord Mayor

ROBERT CRUTE

Town Clerk

The foregoing byelaws are hereby confirmed by the Minister of Housing and Local Government this Twenty Fifth day of September 1957, and shall come into operation on the first day of November 1957

S. G. G. WILKINSON

Assistant Secretary

Ministry of Housing and Local Government