

Hens & Rabbits on Allotment Plots

National Society of Allotment and Leisure Gardeners

PROTECT PROMOTE PRESERVE

This NSALG Information Leaflet opens with the *verbatim* provisions of

section 12 Allotments Act 1950 :

Notwithstanding any provision to the contrary in any lease or tenancy or in any covenant, contract or undertaking relating to the use to be made of any land, it shall be lawful for the occupier of any land to keep, otherwise by way of trade or business, hens or rabbits in any place on the land and to erect or place and maintain such buildings or structures on the land as reasonably necessary for that purpose :

Provided that nothing in this subsection shall authorise any hens or rabbits to be kept in such a place or in such a manner as to be prejudicial to health or a nuisance . . .

This means that hens – domestic chickens (but not cockerels, for reasons which will be examined later in this document) and/ or rabbits - can be kept and housed on an allotment plot as of right.

'As of right', in this context, means that the consent of the appropriate

municipal authority is not required, and need not be sought. That said, NSALG thinks it a matter of courtesy, where a plot holder intends to keep hens and/or rabbits, that the following be observed : the plot holder should:

- (i) inform the authority of the intention to keep creatures;
- (ii) state the number of creatures it is intended to keep ; and
- lii) furnish a telephone number in case of any problem with creatures kept.

Where (ii) above is concerned, any attempt to limit the number of creatures which can be kept under **s. 12** is unenforceable. This is qualified to some extent by the provisions of the

Avian Influenza (Preventative Measures) Regulations 2005 (Statutory Instrument 2005/3394).

These provide (*inter alia*) that where a flock of 50 fowl or more is kept, the said flock must be registered with DEFRA.

It is thought that a point-of-lay hen might lay up to five eggs in any week. It follows that any plot holder who keeps more than 'a few' fowl might find it difficult to show that fowl are kept 'otherwise by way of trade or business'.

It has been calculated that one 8' x 6' shed, on a plot, might accommodate 25 birds – three roosts of 8 birds each, plus one. This derives from DEFRA recommendations that there be a maximum of nine birds to the square metre. There will need to be provided a minimum of two paddocks on the plot, that the birds might scratch and forage. Nesting boxes which must be easy to empty should be connected to the outside.

Chickens under threat

There is always going to be a potential problem where *vulpes vulpes* – our native red fox – is concerned. Provision should be made so that faeces can be removed reasonably easily from a fowl house. A fox, in particular a suckling vixen let loose in a fowl house will kill one, perhaps two, for food, and the rest for devilment. Threat from a badger should not be under-estimated, either and attention should also be paid to potential problems from avian raptors – raven, merlin, kestrel, buzzard, sparrowhawk, and other raptors.

It should not need this document to emphasise the requirement of diligent attention to good housekeeping in animal husbandry, to deter any increased threat from rats, pigeons and other vermin. Spillage of fodder is to be scrupulously avoided; or, if it should occur, cleaning up must be immediate. Feed must be kept in airtight containers. Clean water must be provided on a daily basis where rabbits are kept ; and there are dedicated water 'feeders' available for hens.

The right to keep

So that the right to keep creatures within **s. 12** on an allotment plot can be placed beyond argument,

section 336 Town and Country Planning Act provides :

'agriculture' includes 'horticulture' . . . the breeding and keeping of live stock
(including any creature kept for food, . . . skins or fur . . .)

Most allotment gardeners keep hens mainly for the production of eggs for personal use.

The second part of **s. 12** – the reference to 'prejudicial to health' – is taken by NSALG to mean both animal and human health.

This links with the threat from vermin, above ; for where there are rats there is leptospirosis (Weil's disease), and pigeons can carry parasites which are injurious to the human respiratory system.

Cockerels

Finally, it was mentioned earlier that hens can be kept but not cockerels. This prohibition derives from provisions of the

Control of Pollution Act 1974 (as amended).

Cockerels, on an allotment in an urban environment can be the source of what this Act calls 'noise nuisance' : hence the ban. It is unlikely that any such prohibition might apply to an allotment site in a rural environment : if a person were to move to the country next to allotment site with cockerels, then that is something that they might have to accept.



National Society of
Allotment & Leisure
Gardeners Limited

PROTECT PROMOTE PRESERVE

O'Dell House, Hunters Road, Corby, Northants NN17 5JE

T: 01536 266576 F: 01536 264509

E:natsoc@nsalg.org.uk W:www.nsalg.org.uk

© NSALG 2009