



Allotments (Scotland) Act 1892

1892 CHAPTER 54

9 Election of allotment managers.

- (1) Where allotments have been provided under this Act on account of a parish in any county, a petition to the local authority may be presented by a number of the county electors in such parish, not being less than, one-sixth of the whole number of such electors, praying for the election of allotment managers in such parish, and thereupon the local authority shall order such election, and the allotment managers so elected shall be the allotment managers of the allotments in such parish in lieu of allotment managers appointed by the local authority, who, on an election under this Act, shall cease to hold office.
- (2) The first election shall be held on such day as may, subject to the regulations hereafter mentioned, be fixed by the local authority.
- (3) The number of allotment managers in each case shall be such (not being less than three nor more than five) as the local authority may fix, and the quorum shall be three, or, if the number of managers is less than five, be two.
- (4) The allotment managers shall retire triennially on such day as may be prescribed by the regulations herein-after mentioned, and the allotment managers first elected shall retire on the day for retirement which occurs next after the expiration of three years after the day fixed for their election.
- (5) Any casual vacancy among the allotment managers which occurs by death, resignation, disqualification, or otherwise, may, if there remains a quorum of allotment managers, be filled up by such managers, but the person elected to fill the vacancy shall hold office only for the same time as the vacating manager would have done.
- (6) If at any time by reason of a failure of election, or of any other cause, there is no allotment manager, or no quorum of allotment managers in any parish, the local authority shall appoint allotment managers under this Act in that parish, and shall continue to appoint the same until another petition for the election of allotment managers is presented under this section.
- (7) An elector shall not give more than one vote for any candidate nor vote for more candidates than the number to be elected.

- (8) The election of allotment managers shall be held at such time, and in such manner, and in accordance with such regulations as the Secretary for Scotland may from time to time by order prescribe; and the Secretary for Scotland may make regulations respecting the duties of the returning officer, and the expenses of the election, and may do and make regulations respecting all such things as appear to him necessary or proper for carrying into effect this section, whether preliminary or incidental to such election, and for applying to such election any enactments respecting offences at the election of county councillors, and may revoke or alter any previous order under this section: Provided as follows:—
- (a) Such person as the local authority may appoint shall be the returning officer;
 - (b) A poll, if demanded, shall be taken by ballot, and the said regulations shall provide for the application to such poll of the Ballot Act, 1872, including the provisions for punishing offences;
 - (c) The poll shall be held on- one day only, and shall close at eight o'clock in the evening, and shall be open for at least the period from five to eight o'clock in the evening;
 - (d) The returning officer shall not vote except in the case of an equality of votes between any candidates, in which case he shall give a casting vote;
 - (e) Any ballot boxes, instruments, fittings, and compartments provided by any "public authority for parliamentary, municipal, county council, or school board elections, or belonging to any public authority for the purpose of elections, shall be lent to the returning officer on his request for the purpose of an election of allotment managers, under such conditions and either free of charge or for such reasonable charge as may be prescribed by regulations under this section ;
- (9) An election under this section shall not be questioned except in such manner as may be prescribed by regulations under this section, and the regulations may apply to such election any enactments respecting the questioning of an election of county councillors.
- (10) If an allotment manager is punished with imprisonment for any crime, or is adjudged a bankrupt, or enters into a composition or arrangement with his creditors, or ceases to reside in, or in the neighbourhood of, the parish, or absents himself for twelve months from all meetings of the allotment managers, except for temporary illness or other cause, to be approved by such managers, or is a tenant of any allotment under the management of the managers, he shall cease to be an allotment manager, and his office shall be vacant, and a person who, if elected, would by virtue of this enactment cease, otherwise than by reason of absence from meetings, to be a manager, shall not be qualified to be elected a manager, but, save as aforesaid, any retiring manager shall be eligible for re-election.