

POLICY NOTE

THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 (SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS) ORDER 2018

SSI 2018/97

The above instrument is made by Scottish Ministers in exercise of the powers conferred by section 143 of the Community Empowerment (Scotland) Act 2015 (“the Act”) and all other powers enabling them to do so. It is subject to the affirmative procedure.

Policy Objective

Article 2: Modification of the Community Empowerment (Scotland) Act 2015

Section 115(1) of the Act requires each local authority to make regulations about the allotment sites in its area. Section 115(2) provides that these must be made before the expiry of two years beginning with the date this section comes into force. The policy intention is that the first regulations made by each authority should cover all allotment sites within that authority’s area, for consistency across the authority. Article 2(2) of the Order therefore amends section 115(2) in order to clarify that the first set of regulations for each authority must make provision for all allotment sites in that authority’s area.

Article 2(3) modifies section 116 of the Act, which sets out the procedure to be followed by local authorities in making regulations under section 115(1). Section 116(6) provided that such regulations come into force on the day after they are executed, or such later date as is specified in the regulations. The policy intention is that for certainty and consistency, each authority’s first set of regulations is to be in force within two years of commencement of section 115. Accordingly, article 2(3) makes the modifications to section 116 necessary to clarify this.

Article 3: The Land Settlement (Facilities) Act 1919

Article 3 of the Order repeals certain provisions of the Land Settlement (Facilities) Act 1919 relating to allotments. This is because these provisions are now out of date and no longer required as a consequence of Part 9 of the Community Empowerment (Scotland) Act 2015.

Consultation

No public consultation was carried out in relation to the matters covered by this Order. However, on 1 November 2017, the Scottish Government wrote to local authorities explaining the intention to bring forward a modification to Part 9 of the Act as part of the implementing legislation.

Impact Assessment

No impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen. However, an Equality Impact Assessment (EQIA) was carried out at for the Bill which covered Part 9 and can be found here:

<http://www.gov.scot/Topics/People/engage/eiapt4>

Financial Effects

The Cabinet Secretary for Environment, Climate Change and Land Reform confirms that no Business and Regulatory Impact Assessment is necessary as this Order has no financial effects on the Scottish Government, Local Government or on business. However, please see Financial Memorandum that was carried out for the wider Bill and which covers Part 9: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/83231.aspx>

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