



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 9

### ALLOTMENTS

#### *Local authority functions*

#### **112 Duty to provide allotments**

- (1) Where subsection (2) or (3) applies, each local authority must take reasonable steps to ensure—
  - (a) that the number of persons entered in the list maintained under section 111(1) is no more than one half of the total number of allotments owned and leased by the authority, and
  - (b) that a person entered in the list does not remain in the list for a continuous period of more than 5 years.
- (2) This subsection applies where—
  - (a) on the commencement date, a local authority does not own or lease any allotments, and
  - (b) at any time after that date, the number of persons entered in the list mentioned in subsection (1) is 15 or more.
- (3) This subsection applies where—
  - (a) on the commencement date, a local authority owns or leases allotments, and
  - (b) at any time after that date, the number of persons entered in the list mentioned in subsection (1) is one or more.
- (4) A local authority must, in taking reasonable steps as mentioned in subsection (1), have regard to the desirability of making available allotments that are reasonably close to the residence of persons in the list mentioned in that subsection.
- (5) The Scottish Ministers may by order amend subsection (1) by substituting for the proportion for the time being specified there such other proportion as they think fit.

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**Changes to legislation:** There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 112. (See end of Document for details)

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- (6) The Scottish Ministers may by order amend subsection (2) or (3) by substituting for the number of persons for the time being specified there such other number of persons as they think fit.
- (7) Where a request under section 109(1) is made jointly by two or more persons, the persons making the request are to be treated as one person for the purposes of calculating the number of persons referred to in—
- (a) subsection (1),
  - (b) subsection (2) (including that subsection as amended by an order under subsection (6)),
  - (c) subsection (3) (including that subsection as amended by an order under subsection (6)),
  - (d) section 121(2)(j) or (p).
- (8) In this section, “commencement date” means the date on which this section comes into force.

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**Commencement Information**

**II** S. 112 in force at 1.4.2018 by S.S.I. 2017/458, art. 2, sch. (with art. 15)

**Changes to legislation:**

There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 112.