



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 9

### ALLOTMENTS

#### *Local authority functions*

#### **117 Disposal etc. of allotment sites owned by local authority**

- (1) This section applies where a local authority owns an allotment site.
- (2) A local authority may not dispose of the whole or part of the allotment site or change the use of the whole or part of the allotment site without the consent of the Scottish Ministers.
- (3) Before deciding whether to grant consent, the Scottish Ministers must—
  - (a) seek the views of the local authority on the proposed decision, and
  - (b) consult such other persons appearing to them to have an interest in the proposed disposal or change of use.
- (4) The Scottish Ministers may make the granting of consent subject to such conditions as they think fit.
- (5) The Scottish Ministers may not grant consent unless they are satisfied that—
  - (a) the tenant of each allotment on the whole or part of the allotment site is to be offered a lease of another allotment of an area the same as or similar to that of the tenant's allotment—
    - (i) on the allotment site, or
    - (ii) in the area of the local authority within a reasonable distance of the allotment site, or
  - (b) the provision of another allotment for the tenant is unnecessary or not reasonably practicable.

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**Changes to legislation:** There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 117. (See end of Document for details)

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- (6) Any transfer of ownership of the whole or part of the allotment site, and any deed purporting to transfer such ownership, without the consent of the Scottish Ministers is of no effect.

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**Commencement Information**

**II** S. 117 in force at 1.4.2018 by S.S.I. 2017/458, art. 2, sch. (with art. 16)

**Changes to legislation:**

There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 117.