



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.

Status: This is the original version (as it was originally enacted).

- (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.