

Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 9

ALLOTMENTS

Local authority functions

118 Disposal etc. of allotment sites leased by local authority

- (1) This section applies where a local authority leases an allotment site.
- (2) A local authority may not renounce its lease of the whole or part of the allotment site without the consent of the Scottish Ministers.
- (3) In the case where a change of use of the whole or part of the allotment site proposed by the local authority is permitted by the lease, the local authority may not change the use of the allotment site without the consent of the Scottish Ministers.
- (4) Before deciding whether to grant consent mentioned in subsection (2) or (3), the Scottish Ministers must—
 - (a) seek the views of the local authority on the proposed decision, and
 - (b) consult with such other persons appearing to them to have an interest in the proposed renunciation or change of use.
- (5) The Scottish Ministers may make the granting of consent mentioned in subsection (2) or (3) subject to such conditions as they think fit.
- (6) The Scottish Ministers may not grant consent mentioned in subsection (2) or (3) 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

Status: This is the original version (as it was originally enacted).

- (b) the provision of another allotment for the tenant is unnecessary or not reasonably practicable.
- (7) Any renunciation of the local authority's lease of the whole or part of the allotment site, and any deed purporting to renounce the lease, without the consent of the Scottish Ministers is of no effect.