



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 9

ALLOTMENTS

Local authority functions

123 Delegation of management of allotment sites

- (1) This section applies where—
 - (a) a local authority owns or leases an allotment site, and
 - (b) one or more allotments on the allotment site are leased to tenants.
- (2) A person who represents the interests of all or a majority of the tenants may make a request to the local authority that the authority delegate to the person any of the authority's functions mentioned in subsection (3) in relation to the allotment site.
- (3) The functions are—
 - (a) the functions under—
 - (i) section 109(7) (request to lease allotment),
 - (ii) section 111(1) (duty to maintain list),
 - (iii) section 116(9) and (10) (display and copies of allotment site regulations),
 - (iv) section 124 (promotion and use of allotments: expenditure),
 - (b) the giving of notice under—
 - (i) section 126(1) (notice of termination of lease of allotment or allotment site),
 - (ii) section 127(2)(b) (notice of resumption),
 - (iii) section 128(2) (notice of termination: sublease by local authority).
- (4) A request under subsection (2) must—
 - (a) be made in writing, and
 - (b) include—

Status: This is the original version (as it was originally enacted).

- (i) the name and address of the person making the request, and
 - (ii) such other information as may be prescribed.
- (5) The authority may, within 14 days of receiving the request, ask—
 - (a) the person making the request for such further information as it considers necessary in connection with the request, and
 - (b) that the information be supplied within 14 days of the authority's request.
- (6) The authority must give notice to the person making the request of its decision to agree to or refuse the request—
 - (a) where further information is requested by the authority under subsection (5), before the expiry of 56 days beginning with the date on which the request is received by the authority, or
 - (b) in any other case, before the expiry of 28 days beginning with the date on which the request is received by the authority.
- (7) If the decision is to refuse the request, the notice referred to in subsection (6) must include reasons for the authority's decision.
- (8) If the decision is to agree to the request, the authority must decide—
 - (a) which of its functions that are mentioned in subsection (3) are to be delegated to the person making the request, and
 - (b) the timing of any review of the delegation of those functions by the authority.
- (9) Before making a decision under subsection (8), the authority must consult the person who made the request.
- (10) The authority may recall the delegation of any of its functions delegated under this section if—
 - (a) it considers that the person to whom the functions are delegated is not satisfactorily carrying out a function, or
 - (b) there is a material disagreement between the authority and the person to whom the functions are delegated about the carrying out of the functions.
- (11) In the case where an allotment site is leased by a local authority, the authority must not delegate any functions under this section to the person making the request where the delegation would contravene a provision of the lease.