



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 9

ALLOTMENTS

Compensation

135 Compensation for loss of crops

- (1) This section applies where—
 - (a) the whole or part of an allotment is resumed under section 127(2), and
 - (b) the tenant of the allotment suffers loss of any crop as a result of the resumption.
- (2) The local authority that resumed the allotment under section 127(2) is liable to compensate the tenant.
- (3) The Scottish Ministers must by regulations make further provision for or in connection with compensation payable under subsection (2).
- (4) Regulations under subsection (3) must include, in particular, provision about the procedure to be followed in—
 - (a) determining whether the local authority is liable to pay compensation under subsection (2), and
 - (b) assessing the amount of compensation for which the local authority is liable in cases where the lease does not make such provision.
- (5) Before making regulations under subsection (3), the Scottish Ministers must consult—
 - (a) local authorities, and
 - (b) any other person appearing to the Scottish Ministers to have an interest.
- (6) A tenant who is aggrieved about any decision by the local authority in connection with the duty imposed by subsection (2) may appeal to the sheriff within 21 days of receiving notice of the authority's decision.