



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 9

### ALLOTMENTS

#### *Request and offer to lease allotment*

#### **109 Request to lease allotment**

- (1) Any person may make a request to the local authority in whose area the person resides—
  - (a) to lease an allotment from the authority, or
  - (b) to sublease an allotment from a tenant of the authority.
- (2) A request must be made in writing and include—
  - (a) the name and address of the person making the request, and
  - (b) such other information as may be prescribed.
- (3) The person making the request must, if the area of the allotment sought is less than 250 square metres, specify the area in the request.
- (4) Where the person making the request is a disabled person, the request may include information about the person's needs on the grounds of disability relating to—
  - (a) access to an allotment site or an allotment,
  - (b) possible adjustments to an allotment site or an allotment.
- (5) A request may be made to a local authority even if the authority does not own or lease any allotments.
- (6) A request may be made jointly by two or more persons if each person resides in the area of the local authority to which the request is made.
- (7) The local authority must give written notice to a person who made a request under subsection (1) confirming receipt of the request before the expiry of the period of 14 days beginning with the date on which the request is received by the authority.

- (8) Before making regulations under subsection (2)(b), the Scottish Ministers must consult—
- (a) local authorities, and
  - (b) any other person appearing to the Scottish Ministers to have an interest.

#### **110 Offer to lease allotment**

- (1) Subsections (2) and (3) apply where a person specifies an allotment of an area of less than 250 square metres (a “specified area”) in a request to a local authority under section 109(1).
- (2) If the local authority offers to grant a lease of an allotment of the specified area to the person, the request is to be treated as having been agreed to for the purpose of section 111(3)(a)(i).
- (3) If the local authority offers to grant a lease of an allotment that is not of the specified area to the person, the request is to be treated as not having been agreed to for that purpose unless the person accepts the offer.
- (4) Subsections (5) and (6) apply where a person does not specify an allotment of an area of less than 250 square metres in a request to a local authority under section 109(1).
- (5) If the local authority offers to grant a lease of an allotment of an area of approximately 250 square metres to the person, the request is to be treated as having been agreed to for the purpose of section 111(3)(a)(i).
- (6) If the local authority offers to grant a lease of an allotment that is not of an area of approximately 250 square metres to the person, the request is to be treated as not having been agreed to for that purpose unless the person accepts the offer.
- (7) In subsections (2), (3), (5) and (6), references to the local authority offering to grant a lease include references to a tenant of the local authority offering to grant a sublease.