

These notes relate to the Community Empowerment (Scotland) Act 2015 (asp 6) which received Royal Assent on 24 July 2015

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9: Allotments

Disposal etc. of allotment sites owned by local authority

400. [Section 117](#) applies where an allotment site is owned by a local authority.
401. If a local authority wishes to change the use of or dispose of the whole or part of an allotment site it owns, before doing so it must obtain the consent of the Scottish Ministers (subsection (2)). Subsection (3) requires the Scottish Ministers to consult both the local authority and other persons with an interest before granting consent. The Scottish Ministers may consent subject to conditions (subsection (4)), and in particular may only grant consent if they are satisfied that each of the allotment tenants from the site or the part of the site affected is to be offered an alternative allotment of an area the same or similar to that of the tenant's allotment, on the same site or within a reasonable distance, or that the provision of an alternative allotment is not necessary or reasonably practicable in the circumstances (subsection (5)). Subsection (6) sets out that a purported transfer of ownership without the Scottish Ministers' consent is of no effect.