



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 9

ALLOTMENTS

Compensation

134 Compensation for deterioration of allotment

- (1) This section applies where—
 - (a) the lease of a person (“the tenant”) of an allotment has expired or been terminated, and
 - (b) it appears to the local authority which granted the lease of the allotment or, as the case may be, of the allotment site on which the allotment is situated that—
 - (i) the allotment deteriorated during the tenant’s lease of the allotment, and
 - (ii) the deterioration was caused by the fault or negligence of the tenant.
- (2) The tenant is liable to pay compensation for the deterioration to the tenant’s landlord.
- (3) The amount of compensation payable is the cost of remedying the deterioration.
- (4) The Scottish Ministers must by regulations make further provision for or in connection with compensation payable under subsection (2).
- (5) Regulations under subsection (4) must include, in particular, provision about the procedure to be followed—
 - (a) in determining whether the tenant is liable to pay compensation under subsection (2), and
 - (b) in accordance with subsection (3), in assessing the amount of compensation for which the tenant is liable in cases where the lease does not make such provision.
- (6) Before making regulations under subsection (4), the Scottish Ministers must consult—

Status: This is the original version (as it was originally enacted).

- (a) local authorities, and
 - (b) any other person appearing to the Scottish Ministers to have an interest.
- (7) 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.