



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 9

ALLOTMENTS

Termination of lease

127 Resumption of allotment or allotment site by local authority

- (1) This section applies where a person leases an allotment or an allotment site from a local authority.
- (2) Despite any provision to the contrary in the lease, the authority may resume possession of the whole or part of the allotment or the allotment site; but may do so only if—
 - (a) the resumption is required for building, mining or any other industrial purpose or for the construction, maintenance or repair of any roads or sewers necessary in connection with any such purpose,
 - (b) the authority has given the tenant notice of the resumption in accordance with subsection (3), and
 - (c) the Scottish Ministers have consented to the notice given under paragraph (b).
- (3) Notice is given in accordance with this subsection if—
 - (a) it is in writing,
 - (b) it is given at least three months before the date on which the resumption is to take place, and
 - (c) it specifies that date.
- (4) The Scottish Ministers may make the granting of consent mentioned in subsection (2) (c) subject to such conditions as they think fit.
- (5) The Scottish Ministers may not grant consent unless they are satisfied that—
 - (a) the tenant of the whole or part of the allotment, or (as the case may be) the tenant of each allotment on the whole or part of the allotment site, is to be offered a lease of another allotment which is—

Status: This is the original version (as it was originally enacted).

- (i) of an area the same as or similar to that of the tenant's allotment, and
 - (ii) in the area of the local authority within a reasonable distance of the allotment site or the allotment site on which the allotment is situated,
or
- (b) the provision of another allotment for the tenant is unnecessary or not reasonably practicable.