
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 457

The Allotments (Compensation) (Scotland) Regulations 2017

PART 2

Compensation for disturbance

Regulation 2(1) notice of claim

2.—(1) An applicant who considers that the authority is liable to compensate him or her under section 133(2) of the Act must give a regulation 2(1) notice of claim to the authority.

(2) The regulation 2(1) notice of claim must be—

- (a) in writing;
- (b) signed by the applicant; and
- (c) given to the authority within 28 days beginning with the date of termination of the lease.

(3) The regulation 2(1) notice of claim must include or be accompanied by the following information and evidence:—

- (a) the applicant's full name;
- (b) the applicant's address;
- (c) the allotment site and the location of the allotment which was the subject of the lease within the site;
- (d) the date of termination of the lease;
- (e) a statement of—
 - (i) the damage caused by disturbance of the enjoyment of the allotment as a result of the termination of the lease; and
 - (ii) the amount of compensation claimed in respect of that damage including, in relation to any item mentioned in section 132(2) of the Act, the costs mentioned in paragraph (4); and
- (f) subject to paragraph (5), photographs taken no earlier than 28 days before the date of termination of the lease, receipts, quotations or other evidence as to the matters mentioned in sub-paragraph (e).

(4) The costs mentioned in this paragraph are—

- (a) the removal and relocation of the item; or
- (b) the replacement of the item, where—
 - (i) the removal and relocation is not reasonably practicable; and
 - (ii) the item is not a crop.

(5) Where the damage mentioned in paragraph (3)(e)(i) includes the destruction of livestock (including poultry), the evidence provided under paragraph (3)(f) must show that the destruction was necessary.