SCOTTISH STATUTORY INSTRUMENTS

2017 No. 458

The Community Empowerment (Scotland) Act 2015 (Commencement No. 10, Saving, Transitional and Transitory Provisions) Order 2017

PART 4

Transitional provision

Transitional provision

12.—(1) Paragraph (3) applies in relation to each local authority where, at the relevant date, a request has been received—

(a) by the local authority to lease an allotment from that authority; or

(b) by a tenant of the local authority to sub-lease an allotment from that tenant,

and the conditions in paragraph (2) apply.

(2) The conditions are that the request—

(a) is in writing;

(b) is a valid request; and

(c) has not been determined before the relevant date.

(3) Where this paragraph applies—

(a) the request is to be treated as a request made to the authority under section 109(1) of the Act on the relevant date; and

(b) the name of the person who has made the request is to be entered in the list established and maintained by the authority under section 111(1) of the Act, with due regard to the order of priority established by the authority in relation to the requests mentioned in paragraph (1).

(4) For the purposes of this article—

"determined" means that an offer to lease an allotment has been made in respect of the request mentioned in paragraph (1)(a) or (b);

"the relevant date" means the day on which the first regulations made by the local authority in question under section 115(1) of the Act come into force;

"valid request" means a request made by any person to an authority, or to a tenant of an authority, that would otherwise fulfil the requirements of a request under section 109(1) of the Act; and

"writing" includes an electronic communication within the meaning of section 15(1)(general interpretation) of the Electronic Communications Act 2000(**1**).

(**1**)   2007 c.7, as amended by the Communications Act 2003 (c.21), section 406 and schedule 17, paragraph 158.