

Draft Order laid before the Scottish Parliament under section 142(2)(b) of the Community Empowerment (Scotland) Act 2015 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

ALLOTMENTS

COMMUNITY EMPOWERMENT

The Community Empowerment (Scotland) Act 2015
(Supplementary and Consequential Provisions) Order 2018

<i>Made</i>	- - - -	2018
<i>Coming into force</i>	- -	2018

The Scottish Ministers make the following Order in exercise of the powers conferred by section 143 of the Community Empowerment (Scotland) Act 2015⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 142(2)(b) of that Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Community Empowerment (Scotland) Act 2015 (Supplementary and Consequential Provisions) Order 2018 and comes into force on the day after the day on which it is made.

Modification of the Community Empowerment (Scotland) Act 2015

2.—(1) The Community Empowerment (Scotland) Act 2015 is amended as follows.

(2) In section 115 (allotment site regulations), in subsection (2)—

(a) for the words from “The” to “made” substitute “A local authority must make its first regulations under subsection (1)”; and

(b) at the end insert—

“, and those regulations must make provision for each allotment site in the area of the local authority.”.

(3) In section 116 (allotment site regulations: further provision)—

(1) 2015 asp 6.

- (a) in subsection (5), for “executed” substitute “made”;
- (b) in subsection (6)(a), for the words from “on”, where it first occurs, to “regulations” substitute—
 - “(i) in the case of the first regulations made by a local authority under section 115(1), on the day after the day on which they are made,
 - (ii) in any other case, on the day after the day on which they are made or on such later day as may be specified in the regulations.”; and
- (c) in subsection (8), for the words from “(but” to the end substitute—
 - “but—
 - (a) sub-paragraph (i) of paragraph (a) of subsection (6) does not apply and sub-paragraph (ii) of that paragraph applies in relation to any such amendment or revocation, and
 - (b) subsection (6)(b) does not apply in relation to such a revocation.”.

The Land Settlement (Facilities) Act 1919

3. Sections 17, 21(1) and (2) and 22 of the Land Settlement (Facilities) Act 1919(2) are repealed.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision that is supplementary to and in consequence of Part 9 (allotments) of the Community Empowerment (Scotland) Act 2015 (“the 2015 Act”).

Article 2 makes supplementary and consequential provision in respect of the 2015 Act.

Article 2(2) modifies subsection (2) of section 115 of the 2015 Act. Section 115(2) provides that the first allotment site regulations to be made under section 115(1) must be made before the expiry of the period of two years beginning with the date on which this section comes into force. Article 2(2) clarifies that the first regulations a local authority makes must make provision for all the allotment sites in that authority’s area.

Article 2(3) modifies section 116 of the 2015 Act, which sets out the procedure that must be followed in making regulations under section 115. Article 2(3) replaces the word “executed” with “made” in subsection (5) for consistency with the rest of sections 115 and 116. Article 2(3) also amends subsections (6) and (8) to provide that in the case of the first regulations a local authority makes under section 115(1), these come into force on the day after the day on which they are made. In any other case, or in the case of any amendment or revocation of the first regulations, the coming into force date is the date after the regulations are made or such later date as may be specified in the regulations.

Article 3 repeals provisions of the Land Settlement (Facilities) Act 1919. These provisions are no longer required in consequence of Part 9 of the 2015 Act.