



Scottish Allotments and Gardens Society

SCOTTISH: ALLOTMENTS LEGISLATION

The powers and obligations vested in the Council are to be found in the Allotments (Scotland) Acts of 1892, 1922 and 1950 and the Land Settlement (Scotland) Act 1919.

The 1892 Act set out the local authorities duties in relation to allotment provision within its area. There is no definition of the term "allotment" other than by size, a person can only be tenant of an allotment or allotments to a maximum total area of one acre. It is clear however that the 1892 Act envisaged an allotment holder keeping farm animals on the allotment.

The 1922 Act introduced the concept of the allotment garden. This is a smaller area of ground to be used mainly for the cultivation of vegetables for consumption by the allotment holder and his/her family.

Although it is customary now to refer to "allotments" the term is used where it would be more accurate to use the term "allotment gardens".

Although the distinction is embodied in statute the Council takes the broader view that while the terminology was adjusted to take account of the two types of allotment use Parliament intended that the obligation is the same in both regards. All references by the Council to "allotments" should therefore be taken to include "allotment gardens".

Where representations are made by local residents to the effect that the Council needs to take action in terms of the Allotments (Scotland) Act 1892 the Council is obliged to take these representations into consideration.

"Whether through enquiry following on such representations or through other means the Council concludes there is a demand for allotments it is obliged to acquire any suitable land which may be available- to be let as allotments to local residents. Such land may be within or outwith the City.

The Council has power to

- acquire land through purchase or lease and to do so by agreement or through compulsory measures
- improve the land acquired for allotments. This may be by enclosing the land, draining it, dividing it into allotments or creating approaches or roads.
- make regulations as they consider appropriate to regulate the letting of allotments. This covers matters such as eligibility, size of allotments, conditions as to how they may be cultivated, rent, period of notice. Such regulations require to be put to public consultation and then to the Scottish Ministers for confirmation.

The Council is required to

- make the allotment regulations known by such means as it *thinks* fit and provide to any local resident upon demand a free copy of the regulations.
- keep a register available for public inspection showing the details of (i) the tenancy, acreage and rent of each allotment and (ii) any unlet allotments and
- provide an annual statement of accounts in respect of the city's allotment provision

The legislation makes provision for the termination of allotment leases,

- where the Council wishes to terminate the tenancy of land used as allotment; it *must* give the tenant a minimum of twelve months notice to expire on or before 1 May or 1 November in any year.
- The lessor may also terminate the tenancy by resuming possession in the event of irritancy of the lease through a breach by the tenant of the allotment regulations
- where the allotments are on land leased to the Council for the purpose of subletting for use as allotments, the Council is also subject to the statutory provisions for termination.