

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Participation requests

Community participation body

40. [Section 20](#) defines a “community participation body”, which is the type of body which can make a participation request under section 22. A community participation body may be a community-controlled body, a community council, a body designated by the Scottish Ministers by order or a group as described in subsection (4).
41. Subsection (2) provides that the Scottish Ministers may designate individual bodies as community participation bodies, or may designate a whole class of bodies, so that any body of that type will qualify as a community participation body. Subsection (3) states that where a trust is designated, the designated body will be the trustees, since a trust is not incorporated.
42. A group described in subsection (4) is one that has no written constitution, unlike a community-controlled body. It must nonetheless relate to a particular community; its membership must be open to any member of that community, its decisions must be made or otherwise controlled by members of the group who are members of that community, and its surplus funds and assets must be applied for the benefit of that community.