Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 5

ASSET TRANSFER REQUESTS

Appeals and reviews

89 Decisions by relevant authority specified under section 85(2)(c): reviews

(1) Subsection (2) applies in a case where—

(a) an asset transfer request is made to a relevant authority specified in an order under section 85(2)(c), and

(b) the relevant authority—

(i) refuses the request,

(ii) agrees to the request but the decision notice relating to the request specifies material terms or conditions which differ to a significant extent from those specified in the request, or

(iii) does not give a decision notice relating to the request to the community transfer body within the period mentioned in paragraph (a) or (where applicable) paragraph (b) of section 82(8).

(2) Subsections (2) to (9) of section 86 apply to the case mentioned in subsection (1) (and, for the purposes of that application, references in that section to any of those subsections are to be read as references to those subsections as so applied and modified in such application by virtue of subsection (4)).

(3) Subsection (2) is subject to subsection (4).

(4) The Scottish Ministers may by order—

(a) make provision for subsections (2) to (9) of section 86 to apply as mentioned in subsection (2) subject to such modifications (if any) as they think appropriate,

(b) specify, in relation to an application for a review under section 86(2) applied as mentioned in subsection (2)—

(i) the local authority to which the application is to be made,

(ii) factors determining the local authority to which the application is to be made.

Commencement Information

I1 S. 89(1) in force at 23.1.2017 by S.S.I. 2016/363, **art. 3(b)**

I2 S. 89(2)-(4) in force at 13.11.2015 for specified purposes by S.S.I. 2015/358, art. 2, **Sch.**

I3 S. 89(2)-(4) in force at 23.1.2017 in so far as not already in force by S.S.I. 2016/363, **art. 3(b)**

Changes to legislation:
There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 89.