



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 5

ASSET TRANSFER REQUESTS

Requests

80 Community transfer bodies that may request transfer of ownership of land

- (1) A community transfer body falls within this section if—
- (a) it is a company the articles of association of which include provision such as is mentioned in subsection (2),
 - (b) it is a Scottish charitable incorporated organisation the constitution of which includes provision that the organisation must have not fewer than 20 members,
 - (c) it is a community benefit society the registered rules of which include provision that the society must have not fewer than 20 members,
 - (d) in the case of a body designated by an order under paragraph (a) of subsection (2) of section 77, the order includes provision that the body may make an asset transfer request of the type mentioned in section 79(2)(a), or
 - (e) in the case of a body falling within a class of bodies designated in an order made under paragraph (b) of that subsection, the order includes provision that bodies falling within the class may make an asset transfer request of that type.
- (2) The provision mentioned in subsection (1)(a) is provision that—
- (a) the company must have not fewer than 20 members, and
 - (b) on the winding up of the company and after satisfaction of its liabilities, its property (including any land, and any rights in relation to land, acquired by it as a result of an asset transfer request under this Part) passes—
 - (i) to another community transfer body,
 - (ii) to a charity,

Status: This is the original version (as it was originally enacted).

- (iii) to such community body (within the meaning of section 34 of the Land Reform (Scotland) Act 2003) as may be approved by the Scottish Ministers,
- (iv) to such crofting community body (within the meaning of section 71 of that Act) as may be so approved, or
- (v) if no such community body or crofting community body is so approved, to the Scottish Ministers or to such charity as the Scottish Ministers may direct.