

**2015 No. 358 (C. 44)**

**COMMUNITY EMPOWERMENT**

**LAND REFORM**

**LOCAL GOVERNMENT**

**The Community Empowerment (Scotland) Act 2015  
(Commencement No. 2) Order 2015**

*Made* - - - - - *27th October 2015*

*Laid before the Scottish Parliament* *29th October 2015*

*Coming into force* - - - *13th November 2015*

The Scottish Ministers make the following Order in exercise of the power conferred by section 145(2) of the Community Empowerment (Scotland) Act 2015<sup>(a)</sup>.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Community Empowerment (Scotland) Act 2015 (Commencement No. 2) Order 2015 and comes into force on 13th November 2015.

(2) In this Order—

“the Act” means the Community Empowerment (Scotland) Act 2015; and

“the 2003 Act” means the Land Reform (Scotland) Act 2003<sup>(b)</sup>.

**Appointed day**

**2.**—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the Schedule (the subject matter of which is described in column 2 of that table) is 13th November 2015.

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(a) 2015 asp 6.

(b) 2003 asp 2.

(2) Where a purpose is specified in column 3 of that table in relation to any provision specified in column 1, that provision comes into force on 13th November 2015 only for that purpose.

St Andrew's House,  
Edinburgh  
27th October 2015

*MARCO BIAGI*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

### PROVISIONS OF THE ACT COMING INTO FORCE ON 13TH NOVEMBER 2015

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 9(2), (5) and (6)	Localities: comparison of outcomes	For the purpose of making regulations
Section 15	Guidance about community planning	For the purpose of issuing guidance for the purposes of Part 2 of the Act
Section 18	Interpretation of Part 2	
Section 20(2) and (3)	Meaning of “community participation body”	For the purpose of making orders
Section 21(2), (3), (4), (8) and (9)	Meaning of “public service authority”	For the purpose of making orders
Section 23	Regulations with further provision about participation requests	
Section 24(7)(a) and (8)	Participation requests: decisions	For the purpose of making regulations
Section 26(6)	Proposed outcome improvement process	For the purpose of making regulations
Section 29(3)	Modification of outcome improvement process	For the purpose of making regulations
Section 31(6)	Reporting	For the purpose of making regulations
Section 34	Guidance on participation requests	For the purpose of issuing guidance for the purposes of Part 3 of the Act
Section 35	Interpretation of Part 3	
Section 37(1), (4), (7) and (8)	Community bodies	For the purpose of making regulations under section 34(5)(a) of the 2003 Act
Section 40	Public notice of certain applications	For the purpose of making regulations under section 37(4)(b) and (4A) of the 2003 Act
Section 42(1), (2), (4) and (9)	Procedure for late applications: similar community bodies	For the purpose of making regulations under section 39(7)(c) of the 2003 Act
Section 44	Notification of transfer: specifications of maps, plans or other drawings	For the purpose of making regulations under section 41(3)(b) of the 2003 Act
Section 49	Appointment of person to conduct ballot on proposal to buy land: prescribed information to be provided to ballotter	For the purpose of making regulations under section 51A(2)(b) and (6) of the 2003 Act
Section 50	Consent under section 51 of the 2003 Act: prescribed	For the purpose of making regulations under section

<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject Matter</i>	<i>Column 3 Purpose</i>
	information	51B(2)(b), (3) and (4) of the 2003 Act
Section 52	Ballot not conducted as prescribed	For the purpose of making regulations under section 52(7) of the 2003 Act
Section 76	Meaning of “the 2003 Act” in Part 4 of the Act	
Section 77(2) and (3)	Meaning of “community transfer body”	For the purpose of making orders
Section 78(2), (3) and (4)	Meaning of “relevant authority”	For the purpose of making orders
Section 81	Asset transfer requests: regulations	
Section 82(8)(a) and (9)	Asset transfer requests: decisions	For the purpose of making regulations
Section 83(10)	Agreement to asset transfer request	For the purpose of making regulations
Section 85(3), (4) and (10)	Asset transfer requests: appeals	For the purpose of making regulations
Section 86(3), (4), (7)(b)(i) and (9)	Review by local authority	For the purpose of making regulations
Section 87(3), (4) and (9)	Review of decisions by the Scottish Ministers	For the purpose of making regulations
Section 88(3)	Appeals from reviews under section 86	For the purpose of making regulations
Section 89(2), (3) and (4)	Decisions by relevant authority specified under section 85(2)(c): reviews	For the purpose of making regulations or orders
Section 90(12), (13) and (14)	No concluded contract: appeals	For the purpose of making regulations
Section 94(4), (5) and (6)	Duty to publish register of land	For the purposes of making regulations and issuing guidance for the purposes of section 94 of the Act
Section 96	Guidance on asset transfer requests	For the purpose of issuing guidance for the purposes of Part 5 of the Act
Section 97	Interpretation of Part 5	
Section 103	Guidance about common good registers	
Section 105	Guidance about disposal etc. of common good property	
Section 106	Interpretation of Part 8	
Section 137	Guidance on allotments	For the purpose of issuing guidance under section 137(1) of the Act
Section 139(1) to (5) and (7)	Participation in decisions of certain persons exercising public functions	For the purpose of making regulations
Section 144(1) and schedule 4 so far as they relate to paragraph 8(1) and (2)(d) of	Minor and consequential amendments: notice by Ministers of their decision	For the purpose of making regulations under section 37(18) of the 2003 Act

<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject Matter</i>	<i>Column 3 Purpose</i>
schedule 4	whether or not a community interest is to be entered in the Register of Community Interests in Land	
Section 144(1) and schedule 4 so far as they relate to paragraph 8(1) and (4)(a) of schedule 4	Minor and consequential amendments: ballot procedure: prescribed form of return	For the purpose of making regulations under section 52(3) of the 2003 Act

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Community Empowerment (Scotland) Act 2015 (“the Act”).

It commences from 13th November 2015 the provisions of the Act set out in the table in the Schedule, for limited purposes where specified. The relevant provisions contain Ministerial powers to make subordinate legislation and issue guidance.

The Bill for the Act received Royal Assent on 24th July 2015. Sections 141, 142, 143, 145 and 146 came into force the following day.

## **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by a commencement order made before the date of this Order.

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<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>Instrument No.</i>
Section 140	31st October 2015	S.S.I. 2015/344

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