

2015 No. 399 (C. 50)

COMMUNITY EMPOWERMENT

LAND REFORM

**The Community Empowerment (Scotland) Act 2015
(Commencement No. 3 and Savings) Order 2015**

Made - - - - - *19th November 2015*

Laid before the Scottish Parliament *23rd November 2015*

Coming into force - - - *15th April 2016*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 145(2) and (3) of the Community Empowerment (Scotland) Act 2015(a) and all other powers enabling them to do so(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Community Empowerment (Scotland) Act 2015 (Commencement No. 3 and Savings) Order 2015 and comes into force on 15th April 2016.

(2) In this Order—

“the 2003 Act” means the Land Reform (Scotland) Act 2003(c);

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

“application to register a community interest in land” means an application to register a community interest in land under section 37(1) of the 2003 Act;

“community interest in land” means a community interest in land registered under section 37 of the 2003 Act; and

“the Register” means the Register of Community Interests in Land kept under section 36 of the 2003 Act.

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 15th April 2016.

(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 15th April 2016 only for that purpose.

(a) 2015 asp 6.

(b) Section 8 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) allows the power to be exercised so as to appoint different days for different purposes.

(c) 2003 asp 2.

Savings

3. Notwithstanding the commencement of the provisions of the Act specified in column 1 of the table in the Schedule, the modifications of Parts 2 and 4 of the 2003 Act made by those provisions have no effect in relation to—

- (a) an application to register a community interest in land made before 15th April 2016;
- (b) a community interest in land which relates to an application to register a community interest in land made before 15th April 2016;
- (c) any right to buy land arising under Part 2 of the 2003 Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made before 15th April 2016;
- (d) an application (whether made before, on or after 15th April 2016) under section 57(1) of the 2003 Act in respect of land where the community interest in land relates to an application to register a community interest in land made before 15th April 2016;
- (e) the exercise of any power of the Lands Tribunal for Scotland to make an order or to do any other act under section 57 of the 2003 Act where such order or act is in relation to a community interest in land that relates to an application to register a community interest in land made before 15th April 2016;
- (f) the carrying out of a valuation in respect of land under section 59 of the 2003 Act (including the appointment of a valuer and the procedure for obtaining, and the expenses of, a valuation) where the community interest in land relates to an application to register a community interest in land made before 15th April 2016;
- (g) an appeal (whether made before, on or after 15th April 2016) under section 61 of the 2003 Act against—
 - (i) a decision mentioned in subsection (1)(a) or (3)(a) of that section where the appeal is in relation to a decision by Ministers that a community interest in land is to be entered in the Register and that community interest in land relates to an application to register a community interest in land made before 15th April 2016;
 - (ii) a decision mentioned in subsection (1)(b) or (3)(b) of that section where the appeal is in relation to a decision by Ministers to give consent to the exercise by a community body of its right to buy land where the community interest in land relates to an application to register a community interest in land made before 15th April 2016;
 - (iii) a decision mentioned in subsection (2)(a) of that section where the appeal is in relation to a decision by Ministers that a community interest is not to be entered in the Register and the community interest relates to an application to register a community interest in land made before 15th April 2016; or
 - (iv) a decision mentioned in subsection (2)(b) of that section where the appeal is in relation to a decision by Ministers not to give consent to the exercise by a community body of its right to buy land where the community interest in land relates to an application to register a community interest in land made before 15th April 2016;
- (h) an appeal (whether made before, on or after 15th April 2016) under section 62 of the 2003 Act against a valuation carried out under section 59 of the 2003 Act where the valuation is in relation to a community interest in land that relates to an application to register a community interest in land made before 15th April 2016;
- (i) an appeal (whether made before, on or after 15th April 2016) under section 64 of the 2003 Act against a decision of Ministers on compensation under section 63(1)(a) of the 2003 Act in relation to complying with the procedural requirements of Part 2 of the 2003 Act in relation to—
 - (i) an application to register a community interest in land made before 15th April 2016;
 - (ii) a community interest in land that relates to an application to register a community interest in land made before 15th April 2016; or

- (iii) any right to buy land arising under Part 2 of the 2003 Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made before 15th April 2016;
- (j) an appeal (whether made before, on or after 15th April 2016) under section 64 of the 2003 Act against a decision of Ministers on compensation under section 63(1)(b) of the 2003 Act in relation to a failure by a community body to comply with an order of the Lands Tribunal for Scotland under section 57 of the 2003 Act concerning a community interest in land that relates to an application to register a community interest in land made before 15th April 2016;
- (k) an appeal (whether made before, on or after 15th April 2016) under section 64 of the 2003 Act against a decision of Ministers on compensation under section 63(1)(c) of the 2003 Act in relation to a prohibition imposed under subsection (5)(e) of section 37 of 2003 Act concerning an application to register a community interest in land made before 15th April 2016; or
- (l) an appeal (whether made before, on or after 15th April 2016) under section 64 of the 2003 Act against a decision of Ministers on compensation under section 63(1)(d) of the 2003 Act in relation to the operation of paragraph (a) or (b) of section 56(3) of the 2003 Act concerning a community interest in land that relates to an application to register a community interest in land made before 15th April 2016.

AILEEN MCLEOD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
19th November 2015

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 15TH APRIL 2016

<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject Matter</i>	<i>Column 3 Purpose</i>
Section 1	National outcomes	
Section 2	Review of national outcomes	
Section 3	Reports	
Section 36	Nature of land in which community interest may be registered	
Section 37	Community bodies	In so far as not already in force
Section 38	Modification of memorandum, articles, constitution or registered rules	
Section 39	Register of Community Interests in Land	
Section 40	Public notice of certain applications	In so far as not already in force
Section 41	Criteria for registration of interest in land	
Section 42	Procedure for late applications	In so far as not already in force
Section 43	Evidence and notification of concluded missives or option agreements	
Section 44	Notification of transfer	In so far as not already in force
Section 45	Notice of expiry of registration	
Section 46	Changes to information relating to registered interests	
Section 47	Notification under section 50 of the 2003 Act	
Section 48	Approval of members of community to buy land	
Section 49	Appointment of person to conduct ballot on proposal to buy land	In so far as not already in force
Section 50	Consent under section 51 of the 2003 Act: prescribed information	In so far as not already in force
Section 51	Representations etc. regarding circumstances affecting ballot result	
Section 52	Ballot not conducted as prescribed	In so far as not already in force

<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject Matter</i>	<i>Column 3 Purpose</i>
Section 53	Period in which ballot results and valuations are to be notified	
Section 54	Exercise of right to buy: date of entry and payment of price	
Section 55	Notification of application under section 57 of the 2003 Act	
Section 56	Valuation: views on representations and time limit	
Section 57	Expenses of valuation of land	
Section 58	Creditors in standard security with right to sell land: appeals	
Section 59	Appeals to Lands Tribunal for Scotland as respects valuations of land	
Section 60	Calculation of time periods in Part 2 of the 2003 Act	
Section 61	Duty to provide information about community right to buy	
Section 75	Part 2 of the 2003 Act: mediation	For the purposes of inserting section 97Z1 (mediation) into the 2003 Act so far as relating to Part 2 of the 2003 Act
Section 144(1) and schedule 4 so far as they relate to paragraph 8 of schedule 4	Minor and consequential amendments to the 2003 Act	In so far as not already in force
Section 144(2) and schedule 5 so far as they relate to the 2003 Act	Repeal of provisions 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”).

Article 2 commences from 15th April 2016 the provisions of the Act set out in the table in the Schedule, for limited purposes where specified. The commencement of sections 1 to 3 of the Act brings into force Part 1 of the Act on national outcomes. The remaining provisions which are brought into force constitute amendments to Part 2 and Part 4 of the Land Reform (Scotland) Act 2003 on the community right to buy land under Part 2 of that Act.

Article 3 provides for savings. The provisions set out in the table in the Schedule have no effect in the circumstances listed in article 3. The circumstances all relate to an application to register a community interest in land made before 15th April 2016.

The Bill for the Act received Royal Assent on 24th July 2015. Sections 141 to 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 commencement orders made before the date of this Order.

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 9(2),(5) and (6) (partially)	13th November 2013	S.S.I. 2015/358
Section 15(3) (partially)	13th November 2013	S.S.I. 2015/358
Section 18	13th November 2013	S.S.I. 2015/358
Section 20(2) and (3) (partially)	13th November 2013	S.S.I. 2015/358
Section 21(2), (3), (4), (8) and (9) (partially)	13th November 2013	S.S.I. 2015/358
Section 23	13th November 2013	S.S.I. 2015/358
Section 24(7)(a) and (8) (partially)	13th November 2013	S.S.I. 2015/358
Section 26(6) (partially)	13th November 2013	S.S.I. 2015/358
Section 29(3) (partially)	13th November 2013	S.S.I. 2015/358
Section 31(6) (partially)	13th November 2013	S.S.I. 2015/358
Section 34 (partially)	13th November 2013	S.S.I. 2015/358
Section 35	13th November 2013	S.S.I. 2015/358
Section 37(1), (4), (7) and (8) (partially)	13th November 2013	S.S.I. 2015/358

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 40 (partially)	13th November 2013	S.S.I. 2015/358
Section 42(1), (2), (4) and (9) (partially)	13th November 2013	S.S.I. 2015/358
Section 44 (partially)	13th November 2013	S.S.I. 2015/358
Section 49 (partially)	13th November 2013	S.S.I. 2015/358
Section 50 (partially)	13th November 2013	S.S.I. 2015/358
Section 52 (partially)	13th November 2013	S.S.I. 2015/358
Section 76	13th November 2013	S.S.I. 2015/358
Section 77(2) and (3) (partially)	13th November 2013	S.S.I. 2015/358
Section 78(2), (3) and (4) (partially)	13th November 2013	S.S.I. 2015/358
Section 81	13th November 2013	S.S.I. 2015/358
Section 82(8)(a) and (9) (partially)	13th November 2013	S.S.I. 2015/358
Section 83(10) (partially)	13th November 2013	S.S.I. 2015/358
Section 85(3), (4) and (10) (partially)	13th November 2013	S.S.I. 2015/358
Section 86(3), (4), (7)(b)(i) and (9) (partially)	13th November 2013	S.S.I. 2015/358
Section 87(3), (4) and (9) (partially)	13th November 2013	S.S.I. 2015/358
Section 88(3) (partially)	13th November 2013	S.S.I. 2015/358
Section 89(2), (3), and (4) (partially)	13th November 2013	S.S.I. 2015/358
Section 90(12), (13) and (14) (partially)	13th November 2013	S.S.I. 2015/358
Section 94(4), (5) and (6) (partially)	13th November 2013	S.S.I. 2015/358
Section 96 (partially)	13th November 2013	S.S.I. 2015/358
Section 97	13th November 2013	S.S.I. 2015/358
Section 103	13th November 2013	S.S.I. 2015/358
Section 105	13th November 2013	S.S.I. 2015/358

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 106	13th November 2013	S.S.I. 2015/358
Section 137 (partially)	13th November 2013	S.S.I. 2015/358
Section 139(1) to (5) and (7) (partially)	13th November 2013	S.S.I. 2015/358
Section 140	31st October 2015	S.S.I. 2015/344
Section 144(1) and schedule 4 so far as they relate to paragraph 8(1), (2)(d) and (4)(a) of schedule 4 (partially)	13th November 2013	S.S.I. 2015/358

© Crown copyright 2015

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

£6.00

S201511201 11/2015 19585

<http://www.legislation.gov.uk/id/ssi/2015/399>

ISBN 978-0-11-102999-2



9 780111 029992