
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with appeals made to the Scottish Ministers under sections 85 and 88 of the Community Empowerment (Scotland) Act 2015 (“the Act”).

Part 1 of the Regulations sets out how the Regulations apply and are to be interpreted. Part 2 of the Regulations makes provision in relation to procedure for making an appeal under section 85(2) of the Act. Regulation 3 sets out the time period within which and how such an appeal must be made. Regulation 4 provides for notification of the appeal to the relevant authority and how the relevant authority is to respond. Regulation 5 provides for notification to interested parties and gives such parties an opportunity to make representations and for the community transfer body to comment on any such representations. In terms of regulation 6 the Scottish Ministers are to publish copies of documents relating to the review on a website or by other electronic means.

Part 3 of the Regulations relates to the process of determination of an appeal. Regulations 7 to 9 make provision for the procedure, if any is considered to be required, to be followed by the Scottish Ministers when considering an appeal. Regulation 9 sets out procedures for how written submissions are to be sought and the Hearing Session Rules set out in the schedule contain rules as to how hearings are to be conducted. Regulation 10 relates to further procedure by the Scottish Ministers if they propose to consider new evidence after the conclusion of any procedure under regulation 9 or the Hearing Session Rules.

Part 4 of the Regulations makes provision in respect of appeals under section 88(2) of the Act. Regulation 11 sets out the time period within which and how such an appeal must be made. Regulation 12 applies provisions of the Regulations to appeals under section 88(2) of the Act with a minor modification.

Part 5 makes general provisions in relation to the provision of further copies of documents (regulation 13), notification of the decision on review (regulation 15), the definition of ‘contact address’ (regulation 16) and the use of electronic communications (regulation 17). Regulation 14 requires the Scottish Ministers to ensure that publication and notification procedures set out in the Asset Transfer Request (Procedure) (Scotland) Regulations 2016 are fulfilled if this has not already been done.