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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 360**

**The Asset Transfer Request (Appeal Where No Contract Concluded) (Scotland) Regulations 2016**

**PART 5**

**Applications under section 90(5) of the Act**

**Application under section 90(5) of the Act**

**14.**—(1) An application to the Scottish Ministers under section 90(5) of the Act is to be made in writing in accordance with this regulation.

(2) The application must be served on the Scottish Ministers within the period of 20 working days beginning with the expiry of the period mentioned in section 90(4)(c) of the Act.

(3) The application must—

- (a) include the name and contact address of the community transfer body and identify the relevant authority to which the asset transfer request is made;
- (b) specify the land to which the asset transfer request relates;
- (c) include a statement setting out details of the steps taken by the community transfer body and the relevant authority to conclude a contract pursuant to the appeal decision notice; and
- (d) contain the community transfer body's reasons why a direction should be given under section 90(5) of the Act and state the community transfer body's view as to the period which should be specified in such a direction.

(4) The application must be accompanied by—

- (a) a copy of the appeal decision notice; and
- (b) a copy of the offer submitted to the relevant authority by the community transfer body by virtue of the appeal decision notice.

(5) This Part and Part 1, regulation 7(2) and (3) and 8 and Part 6 of these Regulations and the Hearing Session Rules apply to an application under section 90(5) of the Act as if references in regulation 7(2) and (3) and 8 and the Hearing Session Rules to the review panel were references to the Scottish Ministers.

**Intimation of application to relevant authority**

**15.**—(1) The community transfer body must at the same time as making an application under section 90(5) of the Act to the Scottish Ministers send a copy of the application to the relevant authority.

(2) The relevant authority may, within the period of 10 working days beginning with the date of receipt of the copy of the application, send comments on the application to the Scottish Ministers and the community transfer body.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**Direction under section 90(5) of the Act**

**16.** The Scottish Ministers must give a copy of any direction given to the relevant authority under section 90(5) of the Act to the community transfer body.