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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 361**

**COMMUNITY EMPOWERMENT**

**The Asset Transfer Request (Designation of  
Community Transfer Bodies) (Scotland) Order 2016**

*Made* - - - - 8th November 2016  
*Laid before the Scottish  
Parliament* - - - - 10th November 2016  
*Coming into force* - - 23rd January 2017

The Scottish Ministers make the following Order in exercise of the powers conferred by section 77(2) (b) of the Community Empowerment (Scotland) Act 2015(1) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Asset Transfer Request (Designation of Community Transfer Bodies) (Scotland) Order 2016 and comes into force on 23rd January 2017.

(2) In this Order—

“the 2003 Act” means the Land Reform (Scotland) Act 2003(2);

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

“company limited by guarantee” has the meaning given by section 3(3) of the Companies Act 2006(3).

**Designation of classes of bodies as community transfer bodies**

2.—(1) The classes of bodies specified in paragraph (2) are designated as community transfer bodies for the purposes of Part 5 (asset transfer requests) of the 2015 Act.

(2) The classes of bodies are—

(a) bodies falling within subsection (1), (1A) or (1B) of section 34 (community bodies) of the 2003 Act(4), including a body which falls within such subsections in consequence of the disapplication of the requirement specified in subsection (1)(c), (1A)(c) or (1B)(c) of

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(1) 2015 asp 6. By virtue of section 80(1)(e) an Order under section 77(2)(b) may include provision as set out in article 3.

(2) 2003 asp 2.

(3) 2006 c.46.

(4) Section 34 is amended by section 37 of the Community Empowerment (Scotland) Act 2015 and S.I. 2009/1941.

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*Status: This is the original version (as it was originally made).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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that section, as the case may be, in relation to that body by virtue of section 34(2) of the 2003 Act; and

- (b) companies limited by guarantee, the articles of association of which meet the requirements specified in section 71(1)(a) to (h) (crofting community bodies) of the 2003 Act<sup>(5)</sup>, including where such requirements are met in consequence of the disapplication of the requirement specified in section 71(1)(c) of the 2003 Act by virtue of section 71(2) of the 2003 Act.

### **Asset transfer request for transfer of ownership of land**

**3.** A body falling within a class of bodies designated as community transfer bodies under this Order may make an asset transfer request of the type mentioned in section 79(2)(a) of the 2015 Act.

St Andrew's House,  
Edinburgh  
8th November 2016

*KEVIN STEWART*  
Authorised to sign by the Scottish Ministers

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(5) Section 71 is amended by [S.I. 2009/1941](#).

## **EXPLANATORY NOTE**

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

This Order designates classes of bodies as community transfer bodies for the purposes of Part 5 of the Community Empowerment (Scotland) Act 2015. The Order also provides for a body falling within the designated classes to be able to make an asset transfer request for ownership of land to be transferred to it.