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SCOTTISH STATUTORY INSTRUMENTS

2016 No. 411

COMMUNITY EMPOWERMENT

**The Community Empowerment (Miscellaneous
Amendments) (Scotland) Regulations 2016**

Made - - - - 6th December 2016
Laid before the Scottish
Parliament - - - - 8th December 2016
Coming into force - - 22nd January 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 81(1), 83(10), 85(3), 86(3), 87(3), 90(12) and (14) and 94(4) of the Community Empowerment (Scotland) Act 2015(1) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 and come into force on 22nd January 2017.

The Asset Transfer Request (Procedure) (Scotland) Regulations 2016

2.—(1) The Asset Transfer Request (Procedure) (Scotland) Regulations 2016(2) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 12 (electronic communication)—

- (a) in paragraph (2)(a) after “(3)” insert “or (5A)”;
- (b) after paragraph (5) insert—

“(5A) Where the contact address includes an address (or addresses) for the purposes of electronic communication (“electronic communication contact address”) the community transfer body is taken to have agreed—

- (a) to the use of electronic communication for all purposes relating to the asset transfer request which are capable of being carried out electronically; and

(1) 2015 asp 6.
(2) S.S.I. 2016/357.

- (b) that the address for the purposes of such communication is the electronic communication contact address.
- (5B) Where any document is sent to the community transfer body by electronic communication by virtue of this regulation, the address (or addresses) for the purpose of such communication—
 - (a) where there is an electronic communication contact address, must be the electronic communication contact address; and
 - (b) may, in addition, be any address which the community transfer body has agreed, or is deemed to have agreed under paragraph (3), may be used for the purpose of electronic communication.”; and
- (c) in paragraph (6) after the definition of “electronic communication” insert—
 - ““electronic communication contact address” has the meaning given in paragraph (5A);”.
- (3) For regulation 13 (contact address) and the associated cross heading substitute—

“Contact address

13.—(1) In relation to an asset transfer request to which these Regulations apply, the “contact address” is the address (or addresses), including any address (or addresses) for the purposes of electronic communication within the meaning of regulation 12, to which the community transfer body wishes any document relating to the asset transfer request to be sent.

(2) The contact address is the address (or addresses) included in the asset transfer request unless the community transfer body subsequently expressly informs the relevant authority of a change to the contact address.”.

The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016

3.—(1) The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016(3) are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 12(1) (review panel) for “whom is” substitute “whom may be a”.
- (3) For regulation 18 (contact address) and the associated cross heading substitute—

“Contact address

18.—(1) In relation to a review to which these Regulations apply, the “contact address” is the address (or addresses), including any address (or addresses) for the purposes of electronic communication within the meaning of regulation 19, to which the community transfer body wishes any document relating to the review to be sent.

(2) The contact address is the address (or addresses) included in the application for review unless the community transfer body subsequently expressly informs the relevant authority of a change to the contact address.”.

- (4) In regulation 19 (electronic communication)—
 - (a) in paragraph (2)(a) after “(3)” insert “or (5A)”;
 - (b) after paragraph (5) insert —

“(5A) Where the contact address includes an address (or addresses) for the purposes of electronic communication (“electronic communication contact address”) the community transfer body is taken to have agreed—

- (a) to the use of electronic communication for all purposes relating to the review which are capable of being carried out electronically; and
- (b) that the address for the purposes of such communication is the electronic communication contact address.

(5B) Where any document is sent to the community transfer body by electronic communication by virtue of this regulation, the address (or addresses) for the purpose of such communication—

- (a) where there is an electronic communication contact address, must be the electronic communication contact address; and
 - (b) may, in addition, be any address which the community transfer body has agreed, or is deemed to have agreed under paragraph (3), may be used for the purpose of electronic communication.”; and
- (c) in paragraph (6) after the definition of “electronic communication” insert—
- ““electronic communication contact address” has the meaning given in paragraph (5A);”.

The Asset Transfer Request (Appeals) (Scotland) Regulations 2016

4.—(1) The Asset Transfer Request (Appeals) (Scotland) Regulations 2016(4) are amended in accordance with paragraphs (2) and (3).

(2) For regulation 16 (contact address) and the associated cross heading substitute—

“Contact address

16.—(1) In relation to an appeal to which these Regulations apply, the “contact address” is the address (or addresses), including any address (or addresses) for the purposes of electronic communication within the meaning of regulation 17, to which the community transfer body wishes any document relating to the appeal to be sent.

(2) The contact address is the address (or addresses) included in the notice of appeal unless the community transfer body subsequently expressly informs the Scottish Ministers of a change to the contact address.”.

(3) In regulation 17 (electronic communication)—

- (a) in paragraph (2)(a) after “(3)” insert “or (5A)”; and
- (b) after paragraph (5) insert—

“(5A) Where the contact address includes an address (or addresses) for the purposes of electronic communication (“electronic communication contact address”) the community transfer body is taken to have agreed—

- (a) to the use of electronic communication for all purposes relating to the appeal which are capable of being carried out electronically; and
- (b) that the address for the purposes of such communication is the electronic communication contact address.

(5B) Where any document is sent to the community transfer body by electronic communication by virtue of this regulation, the address (or addresses) for the purpose of such communication—

- (a) where there is an electronic communication contact address, must be the electronic communication contact address; and
- (b) may, in addition, be any address which the community transfer body has agreed, or is deemed to have agreed under paragraph (3), may be used for the purpose of electronic communication.”; and
- (c) in paragraph (6) after the definition of “electronic communication” insert—
 ““electronic communication contact address” has the meaning given in paragraph (5A);”.

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

5.—(1) The Asset Transfer Request (Appeal Where No Contract Concluded) (Scotland) Regulations 2016(5) are amended in accordance with paragraphs (2) to (5).

- (2) In regulation 5(1) (review panel)—
 - (a) after “83(6)” insert “of the Act”; and
 - (b) for “whom is” substitute “whom may be”.
- (3) For regulation 18 (contact address) and the associated cross heading substitute—

“Contact address

18.—(1) In relation to an appeal or application to which these Regulations apply, the “contact address” is the address (or addresses), including any address (or addresses) for the purposes of electronic communication within the meaning of regulation 19, to which the community transfer body wishes any document relating to the appeal or application, as the case may be, to be sent.

(2) The contact address is the address (or addresses) included in the notice of appeal or application, as the case may be, unless the community transfer body subsequently expressly informs the Scottish Ministers of a change to the contact address.”.

- (4) In regulation 19 (electronic communication)—
 - (a) in paragraph (2)(a) after “(3)” insert “or (5A)”; and
 - (b) after paragraph (5) insert—
 “(5A) Where the contact address includes an address (or addresses) for the purposes of electronic communication (“electronic communication contact address”) the community transfer body is taken to have agreed—
 - (a) to the use of electronic communication for all purposes relating to the appeal or application, as the case may be, which are capable of being carried out electronically; and
 - (b) that the address for the purposes of such communication is the electronic communication contact address.
- (5B) Where any document is sent to the community transfer body by electronic communication by virtue of this regulation, the address (or addresses) for the purpose of such communication—

- (a) where there is an electronic communication contact address, must be the electronic communication contact address; and
 - (b) may, in addition, be any address which the community transfer body has agreed, or is deemed to have agreed under paragraph (3), may be used for the purpose of electronic communication.”; and
 - (c) in paragraph (6) after the definition of “electronic communication” insert—
““electronic communication contact address” has the meaning given in paragraph (5A);”.
- (5) In paragraph 4(2)(a) of the schedule (hearing session rules) omit “person”.

The Community Empowerment (Registers of Land) (Scotland) Regulations 2016

6.—(1) The Community Empowerment (Registers of Land) (Scotland) Regulations 2016⁽⁶⁾ are amended in accordance with paragraph (2).

- (2) In regulation 2(1) (land not included in registers of land)—
 - (a) in sub-paragraph (d), immediately before head (i) insert—
“(da) any—”;
 - (b) in sub-paragraph (g), after “Fire” insert “Reform”; and
 - (c) in sub-paragraph (i), after “Registration” insert “etc.”.

St Andrew’s House,
Edinburgh
6th December 2016

KEVIN STEWART
Authorised to sign by the Scottish Ministers

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend [S.S.I. 2016/357](#), [S.S.I. 2016/358](#), [S.S.I. 2016/359](#), [S.S.I. 2016/360](#) and [S.S.I. 2016/362](#) to make minor corrections and clarifications. A copy of this instrument is being issued free of charge to all known recipients of those instruments.