
STATUTORY INSTRUMENTS

2012 No. 637

The Neighbourhood Planning (General) Regulations 2012

PART 4

Community right to build organisations

Prescribed conditions for community right to build organisations

13.—(1) For the purposes of paragraph 3(1)(b) of Schedule 4C to the 1990 Act, the following additional conditions are prescribed for any community organisation which is not a parish council—

- (a) individuals who live or work in the particular area for which the community organisation is established (“the particular area”) must be entitled to become voting members of the community organisation (whether or not others can also become voting members); and
- (b) the constitution of the community organisation must—
 - (i) provide that taken together the individuals who live in the particular area—
 - (aa) hold the majority of the voting rights; and
 - (bb) have the majority on the board of directors or governing body, of the community organisation;
 - (ii) include a statement—
 - (aa) that the community organisation will carry on its activities for the benefit of the community in the particular area or a section of it; and
 - (bb) indicating how it is proposed the community organisation’s activities will benefit the community in the particular area (or a section of it);
 - (iii) provide that any assets of the community organisation may not be disposed of, improved or developed except in a manner which the community organisation consider benefits the community in the particular area or a section of it; and
 - (iv) provide that any profits from its activities may only be used to benefit the community in the particular area or a section of it (the payment of profits directly to members or directors is not to be considered a benefit to the community in the particular area or a section of it);
 - (v) provide that in the event of the winding up of the community organisation or in any other circumstances where the community organisation ceases to exist, its assets must be transferred to another body corporate which has similar objectives; and
 - (vi) provide that the organisation has at least 10 members, living in different dwellings to each other, who live in the particular area.

(2) For the purposes of this regulation, “dwelling” has the meaning given in section 3 of the Local Government Finance Act 1992⁽¹⁾.

⁽¹⁾ 1992 c.14.

Status: *This is the original version (as it was originally made).*
