

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

EXPLANATORY NOTES

OVERVIEW

3. The Act reflects the policy principles of subsidiarity, community empowerment and improving outcomes and provides a framework which will:
 - empower community bodies through the ownership of land and buildings and strengthening their voices in the decisions that matter to them; and
 - support an increase in the pace and scale of public service reform by cementing the focus on achieving outcomes and improving the process of community planning.
4. The Act comprises 12 Parts with 5 schedules:
 - Part 1 places a duty on the Scottish Ministers to determine a set of national outcomes for Scotland, which builds on the “Scotland Performs” framework.
 - Part 2 places community planning partnerships on a statutory footing and imposes duties on them around the planning and delivery of local outcomes. Schedule 1 lists the bodies which are to be community planning partners. This Part replaces provision in Part 2 of the Local Government in Scotland Act 2003, which is repealed by schedule 5.
 - Part 3 provides a mechanism for communities to have a more proactive role in having their voices heard in how services are planned and delivered. Schedule 2 lists “public service authorities” to whom participation requests can be made.
 - Part 4 amends Part 2 of the Land Reform (Scotland) Act 2003, extending the community right to buy to all of Scotland, and introduces a new Part 3A to that Act to make provision for community bodies to purchase neglected, abandoned or detrimental land where the owner is not willing to sell that land. It also makes changes to the procedures set out in Part 3 of that Act, relating to thecrofting community right to buy.
 - Part 5 provides community bodies a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, certain Scottish public bodies or the Scottish Ministers. The list of “relevant authorities” affected is given in schedule 3.
 - Part 6 amends the meaning of “community body” in the Forestry Act 1967, in relation to the delegation of the Forestry Commissioners’ functions.
 - Part 7 provides a power for the Scottish Ministers to make regulations which facilitate supporters of a football club being involved in the decision making of the club they support or to become owners of the club (or a part of it).
 - Part 8 places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good. It also requires local authorities

*These notes relate to the Community Empowerment (Scotland)
Act 2015 (asp 6) which received Royal Assent on 24 July 2015*

to publish their proposals and consult community bodies before disposing of or changing the use of common good assets.

- Part 9 updates and simplifies legislation on allotments. It requires local authorities to take reasonable steps to provide more allotments if waiting lists exceed certain trigger points and ensures appropriate protection for local authorities and plot-holders. This replaces the provisions of the Allotments (Scotland) Acts 1892, 1922 and 1950, which are repealed in their entirety by schedule 5, and some provisions of the Land Settlement (Scotland) Act 1919.
- Part 10 provides a power for the Scottish Ministers to make regulations to promote or facilitate participation in public decision-making, including in decisions on the allocation of resources.
- Part 11 provides for a new power which will allow councils to create and fund their own localised business rate relief schemes to better reflect local needs and support communities. It does this by inserting a new section into the Local Government (Financial Provisions etc.) (Scotland) Act 1962.
- Part 12 makes general provisions in relation to the Act, including provision about subordinate legislation, ancillary provision and commencement. Schedule 4 makes minor and consequential amendments to other legislation, and schedule 5 provides for repeals.