



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 5

### ASSET TRANSFER REQUESTS

#### *Key definitions*

#### **77 Meaning of “community transfer body”**

- (1) In this Part, “community transfer body” means—
  - (a) a community-controlled body, or
  - (b) a body mentioned in subsection (2).
- (2) The body is a body (whether corporate or unincorporated)—
  - (a) that is designated as a community transfer body by an order made by the Scottish Ministers for the purposes of this Part, or
  - (b) that falls within a class of bodies designated as community transfer bodies by such an order for the purposes of this Part.
- (3) Where the power to make an order under subsection (2)(a) is exercised in relation to a trust, the community transfer body is to be the trustees of the trust.

#### **78 Meaning of “relevant authority”**

- (1) In this Part, a “relevant authority” means—
  - (a) a person listed, or of a description listed, in schedule 3, or
  - (b) a person mentioned in subsection (3).
- (2) The Scottish Ministers may by order modify schedule 3 so as to—
  - (a) remove an entry listed in it,
  - (b) amend an entry listed in it.
- (3) The person is a person—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) that is designated as a relevant authority by an order made by the Scottish Ministers for the purposes of this Part, or
  - (b) that falls within a class of persons designated as relevant authorities by such an order for the purposes of this Part.
- (4) An order under subsection (3) may designate a person, or a class of persons, only if the person or (as the case may be) each of the persons falling within the class is—
- (a) a part of the Scottish Administration,
  - (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998), or
  - (c) a publicly-owned company.
- (5) In subsection (4)(c), “publicly-owned company” means a company that is wholly owned by one or more relevant authorities.
- (6) For that purpose, a company is wholly owned by one or more relevant authorities if it has no members other than—
- (a) the relevant authority or (as the case may be) authorities,
  - (b) other companies that are wholly owned by the relevant authority or (as the case may be) authorities, or
  - (c) persons acting on behalf of—
    - (i) the relevant authority or (as the case may be) authorities, or
    - (ii) such other companies.
- (7) In this section, “company” includes any body corporate.