



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 5

### ASSET TRANSFER REQUESTS

#### *Power to decline subsequent requests*

#### **93 Power to decline certain asset transfer requests**

- (1) Subsection (2) applies where—
- (a) an asset transfer request (a “new request”) relating to land is made to a relevant authority,
  - (b) the new request relates to matters that are the same, or substantially the same, as matters contained in a previous asset transfer request (a “previous request”) made in relation to the land,
  - (c) the previous request was made in the period of two years ending with the date on which the new request is made, and
  - (d) the authority refused the previous request (whether following an appeal or not).
- (2) The relevant authority may decline to consider the new request.
- (3) Where a new request is declined to be considered under subsection (2), that is not to be treated as a refusal of the new request for the purposes of—
- (a) an appeal under section 85 (including the provisions of that section as applied by section 88(3)), or
  - (b) a review under section 86 (including the provisions of that section as applied by subsection (2) of, and modified in such application by virtue of subsection (4) of, section 89) or section 87.
- (4) For the purposes of subsection (1)(b), a new request relates to matters that are the same, or substantially the same, as matters contained in a previous request only if both requests, in relation to the land to which they relate, seek (or sought)—
- (a) transfer of ownership of the land,

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*Status: This is the original version (as it was originally enacted).*

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- (b) lease of the land, or
  - (c) the same or substantially the same rights in respect of the land.
- (5) For the purposes of this section, it is irrelevant whether the body making a new request is the same body as, or a different body from, that which made the previous request.