



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 8

### COMMON GOOD PROPERTY

#### *Registers*

#### **102 Common good registers**

- (1) Each local authority must establish and maintain a register of property which is held by the authority as part of the common good (a “common good register”).
- (2) Before establishing a common good register, a local authority must publish a list of property that it proposes to include in the register.
- (3) The list may be published in such a way as the local authority may determine.
- (4) On publishing a list under subsection (2), the local authority must—
  - (a) notify the bodies mentioned in subsection (5) of the publication, and
  - (b) invite those bodies to make representations in respect of the list.
- (5) The bodies are—
  - (a) any community council established for the local authority’s area, and
  - (b) any community body of which the authority is aware.
- (6) In establishing a common good register, a local authority must have regard to—
  - (a) any representations made under subsection (4)(b) by a body mentioned in subsection (5), and
  - (b) any representations made by other persons in respect of the list published under subsection (2).
- (7) Representations as mentioned in subsection (6) may in particular be made in relation to—
  - (a) whether property proposed to be included in the register is part of the common good,

- (b) the identification of other property which, in the opinion of the body or person making the representation, is part of the common good.
- (8) A local authority must—
  - (a) make arrangements to enable members of the public to inspect, free of charge, its common good register at reasonable times and at such places as the authority may determine, and
  - (b) make its common good register available on a website, or by other electronic means, to members of the public.

### **103      Guidance about common good registers**

- (1) In carrying out any of the duties imposed on it by section 102, a local authority must have regard to any guidance issued by the Scottish Ministers in relation to the duties.
- (2) Before issuing any such guidance, the Scottish Ministers must consult—
  - (a) local authorities,
  - (b) community councils, and
  - (c) such community bodies as the Scottish Ministers think fit.