



# 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,

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*Status: This is the original version (as it was originally enacted).*

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- (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.

### *Disposal and use*

### **104 Disposal and use of common good property: consultation**

- (1) Subsection (2) applies where a local authority is considering—
  - (a) disposing of any property which is held by the authority as part of the common good, or
  - (b) changing the use to which any such property is put.
- (2) Before taking any decision to dispose of, or change the use of, such property the local authority must publish details about the proposed disposal or, as the case may be, the use to which the authority proposes to put the property.
- (3) The details may be published in such a way as the local authority may determine.
- (4) On publishing details about its proposals 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 proposals.
- (5) The bodies are—
  - (a) where the local authority is Aberdeen City Council, Dundee City Council, the City of Edinburgh Council or Glasgow City Council, any community council established for the local authority's area,
  - (b) where the local authority is any other council, any community council whose area consists of or includes the area, or part of the area, to which the property mentioned in subsection (1) related prior to 16 May 1975, and
  - (c) any community body that is known by the authority to have an interest in the property.

- (6) In deciding whether or not to dispose of any property held by a local authority as part of the common good, or to change the use to which any such property is put, the 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 its proposals published under subsection (2).

### **105 Disposal etc. of common good property: guidance**

- (1) In carrying out any of the duties imposed on it by section 104, a local authority must have regard to any guidance issued by the Scottish Ministers in relation to the duties.
- (2) A local authority must have regard to any guidance issued by the Scottish Ministers in relation to the management and use of property that forms part of the common good.
- (3) Before issuing any guidance as mentioned in subsection (1) or (2), the Scottish Ministers must consult—
  - (a) local authorities,
  - (b) community councils, and
  - (c) such community bodies as the Scottish Ministers think fit.

#### *Interpretation of Part 8*

### **106 Interpretation of Part 8**

In this Part—

“community bodies”, in relation to a local authority, means bodies, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) resident or otherwise present in the area of the local authority,

“community council” means a community council established by a local authority under Part 4 of the Local Government (Scotland) Act 1973.