



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 5

ASSET TRANSFER REQUESTS

Decisions

82 Asset transfer requests: decisions

- (1) This section applies where an asset transfer request is made by a community transfer body to a relevant authority.
- (2) The authority must decide whether to agree to or refuse the request.
- (3) In reaching its decision, the authority must take into consideration the following matters—
 - (a) the reasons for the request,
 - (b) any other information provided in support of the request (whether such other information is contained in the request or otherwise provided),
 - (c) whether agreeing to the request would be likely to promote or improve—
 - (i) economic development,
 - (ii) regeneration,
 - (iii) public health,
 - (iv) social wellbeing, or
 - (v) environmental wellbeing,
 - (d) whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage,
 - (e) any other benefits that might arise if the request were agreed to,
 - (f) any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal in respect of the land to which the request relates,
 - (g) how such benefits would compare to any benefits such as are mentioned in paragraphs (c) and (e),

Status: Point in time view as at 13/11/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 82. (See end of Document for details)

- (h) how any benefits such as are mentioned in paragraph (f) relate to other matters the authority considers relevant (including, in particular, the functions and purposes of the authority),
 - (i) any obligations imposed on the authority, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request, and
 - (j) such other matters (whether or not included in or arising out of the request) as the authority considers relevant.
- (4) The authority must exercise the function under subsection (2) in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (5) The authority must agree to the request unless there are reasonable grounds for refusing it.
- (6) In subsection (3)(f), an “alternative proposal” includes—
- (a) another asset transfer request,
 - (b) a proposal made by the authority or any other person.
- (7) The authority must, within the period mentioned in subsection (8), give notice (in this Part, a “decision notice”) to the community transfer body of—
- (a) its decision to agree to or refuse the request, and
 - (b) the reasons for its decision.
- (8) The period is—
- (a) a period prescribed in regulations made by the Scottish Ministers, or
 - (b) such longer period as may be agreed between the authority and the community transfer body.
- (9) The Scottish Ministers may by regulations make provision about—
- (a) the information (in addition to that required under this Part) that a decision notice is to contain, and
 - (b) the manner in which a decision notice is to be given.

Commencement Information

II S. 82(8)(a)(9) in force at 13.11.2015 for specified purposes by [S.S.I. 2015/358](#), [art. 2](#), [Sch.](#)

Status:

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