



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 5

ASSET TRANSFER REQUESTS

Decisions

83 Agreement to asset transfer request

- (1) This section applies where a relevant authority decides to agree to an asset transfer request made by a community transfer body.
- (2) The decision notice relating to the request must—
 - (a) specify the terms on which, and any conditions subject to which, the authority would be prepared to transfer ownership of the land, lease the land or (as the case may be) confer rights in respect of the land to which the request relates (whether or not such terms and conditions were specified in the request),
 - (b) state that, if the community transfer body wishes to proceed, it must submit to the authority an offer to acquire ownership of the land, lease the land or (as the case may be) assume rights in respect of the land, and
 - (c) specify the period within which such an offer is to be submitted.
- (3) The period specified under subsection (2)(c) must be a period of at least 6 months beginning with the date on which the decision notice is given.
- (4) An offer such as is mentioned in subsection (2)(b)—
 - (a) must reflect any terms and conditions specified in the decision notice,
 - (b) may include such other reasonable terms and conditions as are necessary or expedient to secure—
 - (i) the transfer of ownership, the lease or (as the case may be) the conferral of rights, and
 - (ii) that such a transfer, lease or (as the case may be) conferral of rights takes place within a reasonable time,

Changes to legislation: There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 83. (See end of Document for details)

- (c) must be made before the end of the period specified in the decision notice under subsection (2)(c).
- (5) Subsection (6) applies where no contract is concluded on the basis of such an offer before the end of the period mentioned in subsection (7).
- (6) The community transfer body may appeal to the Scottish Ministers under section 90 (except in a case where the relevant authority is the Scottish Ministers).
- (7) The period is—
 - (a) the period of 6 months beginning with the date of the offer, or
 - (b) such longer period—
 - (i) as may be agreed between the authority and the community transfer body, or
 - (ii) in the absence of any such agreement, as may be specified in a direction by the Scottish Ministers.
- (8) A direction under subsection (7)(b)(ii) may be made only on the application of the community transfer body.
- (9) An application under subsection (8) may be made on more than one occasion.
- (10) The Scottish Ministers may by regulations make provision about—
 - (a) the form of, and procedure for making, an application such as is mentioned in subsection (8),
 - (b) the manner in which a direction under subsection (7)(b)(ii) is to be given,
 - (c) the information that such a direction is to contain.

Commencement Information

- I1** S. 83(1)-(9) in force at 23.1.2017 by [S.S.I. 2016/363](#), **art. 3(b)**
- I2** S. 83(10) in force at 13.11.2015 for specified purposes by [S.S.I. 2015/358](#), **art. 2, Sch.**
- I3** S. 83(10) in force at 23.1.2017 in so far as not already in force by [S.S.I. 2016/363](#), **art. 3(b)**

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