



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 4

COMMUNITY RIGHTS TO BUY LAND

Modifications of Part 2 of Land Reform (Scotland) Act 2003

38 Modification of memorandum, articles, constitution or registered rules

- (1) Section 35 of the 2003 Act (provisions supplementary to section 34) is amended as follows.
- (2) Before subsection (1), insert—
 - “(A1) During the relevant period, a community body may not modify its memorandum, articles of association, constitution or registered rules (as defined in section 34(8)) without Ministers’ consent in writing.
 - (A2) In subsection (A1), “relevant period” means the period—
 - (a) beginning on the day on which the community body submits an application under section 37(1) for registration of a community interest in land, and
 - (b) ending with—
 - (i) registration of the community interest in land,
 - (ii) a decision by Ministers that the community interest in land should not be registered,
 - (iii) Ministers declining, by virtue of section 39(5), to consider the application, or
 - (iv) withdrawal of the application.”.
- (3) In subsection (1), for “or articles of association”, substitute “, articles of association, constitution or registered rules (as defined in section 34(8))”.
- (4) After subsection (3), insert—

Status: This is the original version (as it was originally enacted).

- “(4) Where the power conferred by subsection (3) is (or is to be) exercised in relation to land, Ministers may make an order relating to, or to matters connected with, the acquisition of the land.
- (5) An order under subsection (4) may—
- (a) apply, modify or exclude any enactment which relates to any matter as to which an order could be made under that subsection,
 - (b) make such modifications of enactments as appear to Ministers to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order.”.