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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 360**

**The Asset Transfer Request (Appeal Where No Contract Concluded) (Scotland) Regulations 2016**

**PART 4**

**Applications under section 83(8) of the Act**

**Application under section 83(8) of the Act**

**11.**—(1) An application to the Scottish Ministers under section 83(8) of the Act is to be made in writing in accordance with this regulation.

(2) The application must be made to the Scottish Ministers within the relevant period.

(3) The application must—

- (a) include the name and contact address of the community transfer body and identify the relevant authority to which the asset transfer request is made;
- (b) specify the land to which the asset transfer request relates;
- (c) include a statement setting out details of the steps taken by the community transfer body and the relevant authority—
  - (i) to conclude a contract in respect of the asset transfer request on the basis of such an offer as is mentioned in section 83(2)(b) of the Act; and
  - (ii) to agree, by virtue of section 83(7)(b)(i) of the Act, to a longer period; and
- (d) contain the community transfer body's reasons why a direction should be given under section 83(7)(b)(ii) of the Act and state the community transfer body's view as to the period which should be specified in such a direction.

(4) The application must be accompanied by—

- (a) a copy of the decision notice in respect of the asset transfer request; and
- (b) a copy of the offer submitted to the relevant authority by the community transfer body.

(5) A direction under section 83(7)(b)(ii) of the Act, in addition to specifying the longer period in accordance with section 83(7)(b)(ii) of the Act, must specify—

- (a) the asset transfer request and the offer in respect of which the direction relates; and
- (b) the land to which the asset transfer request relates;

(6) This Part and Part 1, regulation 7(2) and (3) and 8 and Part 6 of these Regulations and the Hearing Session Rules apply to an application for a direction under section 83(8) of the Act as if references in regulation 7(2) and (3) and 8 and the Hearing Session Rules to the review panel were references to the Scottish Ministers.

(7) In this regulation—

“the relevant date” means the later of—

- (a) the date of expiry of the period of 6 months mentioned in section 83(7)(a) of the Act; or

- (b) where a longer period—
    - (i) is agreed between the community transfer body and the relevant authority; or
    - (ii) is specified in a direction made under section 83(7)(b)(ii) of the Act,the date of expiry of such longer period; and
- “the relevant period” means the period which begins 30 working days before the relevant date and expires 20 working days before the relevant date.

#### **Intimation of application to relevant authority**

**12.**—(1) The community transfer body must at the same time as making an application under section 83(8) of the Act to the Scottish Ministers send a copy of the application to the relevant authority.

(2) The relevant authority may, within the period of 10 working days beginning with the date of receipt of the copy of the application, send comments on the application to the Scottish Ministers and the community transfer body.

#### **Direction under section 83(7)(b)(ii) of the Act**

**13.** The Scottish Ministers must give a copy of any direction made under section 83(7)(b)(ii) of the Act to the community transfer body and to the relevant authority.