
SCOTTISH STATUTORY INSTRUMENTS

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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.