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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 2**

**Appeals under section 83(6) of the Act**

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**3.—**(1) An appeal to the Scottish Ministers under section 83(6) of the Act is to be made by giving notice in writing in accordance with this regulation.

(2) The notice of appeal must be served on the Scottish Ministers within the period of 10 working days beginning with the expiry of the period specified in section 83(7) of the Act.

(3) The notice of appeal must—

- (a) include the name and contact address of the community transfer body;
- (b) specify the land to which the asset transfer request relates; and
- (c) include a statement setting out full particulars of the appeal including a note of the matters which the community transfer body considers require to be taken into account in determining the appeal and by what, if any, procedure (or combination of procedures) the community transfer body considers the appeal should be conducted.

(4) The notice of appeal must be accompanied by—

- (a) a copy of the offer submitted to the relevant authority by the community transfer body;
- (b) a copy of the decision notice pursuant to which such offer was submitted;
- (c) a copy of all correspondence between the community transfer body and the relevant authority relating to the negotiation of terms and conditions for the transfer of the land to which the asset transfer request relates;
- (d) a statement specifying—
  - (i) the terms on which, and any conditions subject to which, the community transfer body considers the transfer of land should be made; and
  - (ii) how such terms and conditions differ from any terms and conditions specified in the decision notice.

(5) Subject to paragraph (6)—

- (a) all matters which the community transfer body intends to raise in the appeal must be set out in the notice of appeal or in the documents which accompany the notice of appeal; and
- (b) all documents, materials and evidence which the community transfer body intends to rely on in the appeal must accompany the notice of appeal.

(6) In addition to matters set out in the notice of appeal and documents which accompany the notice of appeal, the community transfer body may raise matters and submit further documents, materials or evidence only—

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**Status:** This is the original version (as it was originally made).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

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- (a) in accordance with and to the extent permitted by regulation 4(3); or
- (b) where the review panel or the Scottish Ministers make a request for further representations to be made or further information to be provided by the community transfer body (whether under regulation 8(1), rule 1(1) of the Hearing Session Rules or otherwise).