

2016 No. 362

COMMUNITY EMPOWERMENT

**The Community Empowerment (Registers of Land) (Scotland)
Regulations 2016**

Made - - - - - *8th November 2016*

Laid before the Scottish Parliament *10th November 2016*

Coming into force - - - *23rd January 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 94(4) of the Community Empowerment (Scotland) Act 2015(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Community Empowerment (Registers of Land) (Scotland) Regulations 2016 and come into force on 23rd January 2017.

Land not included in registers of land

2.—(1) The land that a relevant authority need not include in the register of land established and maintained under section 94(1) of the Community Empowerment (Scotland) Act 2015 is—

- (a) any road (within the meaning given by section 151 of the Roads (Scotland) Act 1984(b) and including any road described in section 151(3)(c));
- (b) (i) any underground tunnel or chamber forming part of an underground tunnelled railway system, including any station platform; and
(ii) any other land forming part of, or use of which is ancillary to the operation of, such a railway system, including any station, kiosk, stairs and escalators;
- (c) any operational canal, including—
 - (i) any associated embankment, towpath or dock (which includes a pier, harbour, quay, wharf or jetty);
 - (ii) any associated cuttings, tunnels, aqueducts or bridges;
 - (iii) any associated reservoirs, feeders, sluices or weirs; and
 - (iv) any other land use of which is ancillary to the operation of the canal;

(a) 2015 asp 6.

(b) 1984 c.54. The definition of “road” was amended by paragraph 94(b) of schedule 8 of the New Roads and Street Works Act 1991 (c.22).

(c) Section 151(3) was amended by paragraph 135(10)(b) of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c.39).

- (d) any bus station or associated facilities (within the meaning given by section 83(5) of the Transport Act 1985**(a)**);
 - (i) house (within the meaning given by section 165 of the Housing (Scotland) Act 2010**(b)**); and
 - (ii) lodging-house or hostel which is operated on a non-commercial basis, other than a house, lodging-house or hostel which is surplus to the requirements of a relevant authority;
- (e) any—
 - (i) controlled reservoir in respect of which a non-disclosure notice has been served under article 3 of the Reservoirs (Scotland) Act 2011 (Restrictions on Disclosure of Information in relation to National Security etc.) Order 2015**(c)**;
 - (ii) land used for the purpose of abstraction, treatment, storage or distribution of drinking water;
 - (iii) land used for the purpose of collection, treatment or discharge of waste water; and
 - (iv) other land the use of which is ancillary to a use referred to in head (ii) or (iii);
- (f) any—
 - (i) land solely or mainly occupied by a mast to which there is attached any electronic communications apparatus used, wholly or in part, for the purposes of any emergency service; and
 - (ii) other land used for the purpose of gaining access to that land or for the purpose of inspecting, maintaining, repairing, altering, replacing or removing such a mast or any electronic apparatus attached to such a mast;
- (g) any land used solely or mainly in connection with covert police operations carried out for the purposes of policing (within the meaning given by section 99(1) of the Police and Fire (Scotland) Act 2012**(d)**);
- (h) any mineral rights which are owned or leased separately from the land in respect of which they are exigible; and
- (i) any souvenir plot (within the meaning given by section 22(2) of the Land Registration (Scotland) Act 2012**(e)**).

(2) In this regulation “emergency service” means a police, fire and rescue, ambulance or other service which may be required to respond to an emergency.

KEVIN STEWART
 Authorised to sign by the Scottish Ministers

St Andrew’s House,
 Edinburgh
 8th November 2016

(a) 1985 c.67.
 (b) 2010 asp 17.
 (c) S.I. 2015/48.
 (d) 2012 asp 8.
 (e) 2012 asp 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify descriptions of land that need not be included in the register of land to be established and maintained by relevant authorities under section 94(1) of the Community Empowerment (Scotland) Act 2015.

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£4.25

S2016110915 11/2016 19585

<http://www.legislation.gov.uk/id/ssi/2016/362>

ISBN 978-0-11-103368-5



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