

These notes relate to the Community Empowerment (Scotland) Act 2015 (asp 6) which received Royal Assent on 24 July 2015

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Community planning

Establishment of corporate bodies

35. Section 19 of the Local Government in Scotland Act 2003 gives the Scottish Ministers a power to establish corporate bodies to co-ordinate community planning. As a body corporate, a community planning partnership could, for example, hold its own budgets and assets and employ its own staff.
36. [Section 17](#) of the Act retains the option of incorporation in appropriate cases, by replacing the provisions of section 19 of the 2003 Act. Subsection (1) allows the Scottish Ministers to establish a body corporate by regulations, following an application made jointly by each person mentioned in section 8(2). Any application must include information about the matters which are listed in subsection (2). Subsection (3) lists matters about the body corporate which the Scottish Ministers can specify in any regulations they make. Subsection (4) allows the regulations to provide that the corporate body may discharge a function even where another enactment specifies that it is the function of another body or prevents the carrying out of that function by the corporate body.