



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 4

COMMUNITY RIGHTS TO BUY LAND

Modifications of Part 2 of Land Reform (Scotland) Act 2003

37 Community bodies

(1) Section 34 of the 2003 Act (community bodies) is amended as follows.

(2) Before subsection (1), insert—

“(A1) A community body is, subject to subsection (4)—

- (a) a body falling within subsection (1), (1A) or (1B), or
- (b) a body of such other description as may be prescribed which complies with prescribed requirements.”.

(3) In subsection (1)—

- (a) for the words “community body is, subject to subsection (4) below”, substitute “body falls within this subsection if it is”,
- (b) in paragraph (c), for “20”, substitute “10”,
- (c) for paragraph (d), substitute—
 - “(d) provision that at least three quarters of the members of the company are members of the community,”,
- (d) in paragraph (f), the words “and the auditing of its accounts” are repealed,
- (e) after paragraph (f), insert—
 - “(fa) provision that, on the request of any person for a copy of the minutes of a meeting of the company, the company must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,
 - (fb) provision that, where a request of the type mentioned in paragraph (fa) is made, the company—

Status: Point in time view as at 13/11/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 37. (See end of Document for details)

- (i) may withhold information contained in the minutes, and
- (ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so,” and
- (f) in paragraph (h)—
 - (i) in sub-paragraph (i), for “or crofting community body”, substitute “, crofting community body or Part 3A community body (as defined in section 97D)”, and
 - (ii) in sub-paragraph (ii), for “or crofting community body”, substitute “, crofting community body or Part 3A community body (as so defined)”.
- (4) After subsection (1), insert—
 - “(1A) A body falls within this subsection if it is a Scottish charitable incorporated organisation (a “SCIO”) the constitution of which includes the following—
 - (a) a definition of the community to which the SCIO relates,
 - (b) provision enabling the SCIO to exercise the right to buy land under this Part,
 - (c) provision that the SCIO must have not fewer than 10 members,
 - (d) provision that at least three quarters of the members of the SCIO are members of the community,
 - (e) provision under which the members of the SCIO who consist of members of the community have control of the SCIO,
 - (f) provision ensuring proper arrangements for the financial management of the SCIO,
 - (g) provision that, on the request of any person for a copy of the minutes of a meeting of the SCIO, the SCIO must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,
 - (h) provision that, where a request of the type mentioned in paragraph (g) is made, the SCIO—
 - (i) may withhold information contained in the minutes, and
 - (ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and
 - (i) provision that any surplus funds or assets of the SCIO are to be applied for the benefit of the community.
 - (1B) A body falls within this subsection if it is a community benefit society the registered rules of which include the following—
 - (a) a definition of the community to which the society relates,
 - (b) provision enabling the society to exercise the right to buy land under this Part,
 - (c) provision that the society must have not fewer than 10 members,
 - (d) provision that at least three quarters of the members of the society are members of the community,
 - (e) provision under which the members of the society who consist of members of the community have control of the society,
 - (f) provision ensuring proper arrangements for the financial management of the society,

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- (g) provision that, on the request of any person for a copy of the minutes of a meeting of the society, the society must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,
 - (h) provision that, where a request of the type mentioned in paragraph (g) is made, the society—
 - (i) may withhold information contained in the minutes, and
 - (ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and
 - (i) provision that any surplus funds or assets of the society are to be applied for the benefit of the community.”
- (5) In subsection (2), after “(1)(c)”, insert “, (1A)(c) or (1B)(c) ”.
- (6) After subsection (4), insert—
- “(4A) Ministers may by regulations from time to time amend subsections (1), (1A) and (1B).
- (4B) If provision is made under subsection (A1)(b), Ministers may by regulations make such amendment of section 35(A1) and (1) in consequence of that provision as they consider necessary or expedient.”.
- (7) In subsection (5)—
- (a) the words “Unless Ministers otherwise direct” are repealed,
 - (b) in paragraph (a)—
 - (i) for “subsection (1)(a)”, substitute “ subsections (1)(a), (1A)(a) and (1B)(a) ”, and
 - (ii) at the end, insert “ or a prescribed type of area (or both such unit and type of area) ”,
 - (c) in paragraph (b)(i), at the end, insert “ or in that prescribed type of area ”, and
 - (d) in paragraph (b)(ii), after “units”, insert “ or that prescribed type of area ”.
- (8) In subsection (8)—
- (a) after “section”, insert “ — ”, and
 - (b) at the end, insert—

““community benefit society” means a registered society (within the meaning of section 1 of the Co-operative and Community Benefit Societies Act 2014) registered as a community benefit society under section 2 of that Act,

“registered rules” has the meaning given by section 149 of that Act (as that meaning applies in relation to community benefit societies),

“Scottish charitable incorporated organisation” has the meaning given by section 49 of the Charities and Trustee Investment (Scotland) Act 2005.”.

Commencement Information

II S. 37(1)(4)(7)(8) in force at 13.11.2015 for specified purposes by S.S.I. 2015/358, art. 2, Sch.

Status:

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Changes to legislation:

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