



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- (d) in paragraph (f), the words “and the auditing of its accounts” are repealed,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Status: This is the original version (as it was originally enacted).

- (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.”.