



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 5

### ASSET TRANSFER REQUESTS

#### *Disapplication of certain lease restrictions*

#### **92 Disapplication of restrictions in lease of land to relevant authority**

- (1) This section applies where—
  - (a) land is leased to a relevant authority,
  - (b) an asset transfer request is made to the authority by a community transfer body for the authority to—
    - (i) lease the land to the body, or
    - (ii) confer a right of occupancy on the body in respect of the land,
  - (c) the land is leased to the relevant authority by another relevant authority or by a company that is wholly owned by another relevant authority, and
  - (d) no other person is entitled to occupy the land to which the request relates (whether by virtue of a sublease by the authority or otherwise).
- (2) Any restrictions in the lease of the land to which the request relates such as are mentioned in subsection (3) do not apply as between the relevant authority and the person from whom the authority leases the land.
- (3) The restrictions are any restrictions—
  - (a) on the power of the relevant authority to sublet the land,
  - (b) on the power of the authority to share occupancy of the land,
  - (c) relating to how the land may be used by the authority or any other occupier of the land.
- (4) Nothing in this section affects any restrictions in the lease of the land to the relevant authority on the power of the authority to assign or transfer rights and liabilities under the lease.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If the relevant authority leases the land to, or confers a right of occupancy in respect of the land on, a community transfer body, the authority continues to be subject to any obligations under the lease of the land to the authority.