



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 5

### ASSET TRANSFER REQUESTS

#### *Decisions*

#### **82 Asset transfer requests: decisions**

- (1) This section applies where an asset transfer request is made by a community transfer body to a relevant authority.
- (2) The authority must decide whether to agree to or refuse the request.
- (3) In reaching its decision, the authority must take into consideration the following matters—
  - (a) the reasons for the request,
  - (b) any other information provided in support of the request (whether such other information is contained in the request or otherwise provided),
  - (c) whether agreeing to the request would be likely to promote or improve—
    - (i) economic development,
    - (ii) regeneration,
    - (iii) public health,
    - (iv) social wellbeing, or
    - (v) environmental wellbeing,
  - (d) whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage,
  - (e) any other benefits that might arise if the request were agreed to,
  - (f) any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal in respect of the land to which the request relates,
  - (g) how such benefits would compare to any benefits such as are mentioned in paragraphs (c) and (e),

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*Status: This is the original version (as it was originally enacted).*

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- (h) how any benefits such as are mentioned in paragraph (f) relate to other matters the authority considers relevant (including, in particular, the functions and purposes of the authority),
  - (i) any obligations imposed on the authority, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request, and
  - (j) such other matters (whether or not included in or arising out of the request) as the authority considers relevant.
- (4) The authority must exercise the function under subsection (2) in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (5) The authority must agree to the request unless there are reasonable grounds for refusing it.
- (6) In subsection (3)(f), an “alternative proposal” includes—
  - (a) another asset transfer request,
  - (b) a proposal made by the authority or any other person.
- (7) The authority must, within the period mentioned in subsection (8), give notice (in this Part, a “decision notice”) to the community transfer body of—
  - (a) its decision to agree to or refuse the request, and
  - (b) the reasons for its decision.
- (8) The period is—
  - (a) a period prescribed in regulations made by the Scottish Ministers, or
  - (b) such longer period as may be agreed between the authority and the community transfer body.
- (9) The Scottish Ministers may by regulations make provision about—
  - (a) the information (in addition to that required under this Part) that a decision notice is to contain, and
  - (b) the manner in which a decision notice is to be given.