

Draft Order laid before the Scottish Parliament under section 142(2)(b) of the Community Empowerment (Scotland) Act 2015 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

LAND REFORM

**The Community Empowerment (Scotland) Act 2015
(Consequential Modifications and Savings) Order 2016**

Made - - - - 2016
Coming into force - - 15th April 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by section 143 of the Community Empowerment (Scotland) Act 2015⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 142(2)(b) of that Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order 2016 and comes into force on 15th April 2016.

(2) In this Order, “the 2003 Act” means the Land Reform (Scotland) Act 2003⁽²⁾.

Modifications of the 2003 Act

2.—(1) The 2003 Act is amended as follows.

(2) In section 51 (exercise of right to buy: approval of community and consent of the Scottish Ministers)⁽³⁾—

- (a) in subsection (2)(a)⁽⁴⁾, the words “, as defined for the purposes of section 34(1)(a) above,” are repealed; and
- (b) after subsection (7), insert—

(1) 2015 asp 6.

(2) 2003 asp 2.

(3) Section 51 is amended by sections 48 and 51(2) of, and paragraph 8(3) of schedule 4 and schedule 5 to, the Community Empowerment (Scotland) Act 2015 (“the 2015 Act”).

(4) Section 51(2)(a)(ii) is repealed by section 48(c) of the 2015 Act.

“(8) In this section, references to the community are, as respects a community body, references to—

- (a) the community defined in relation to that body under section 34(1)(a), (1A)(a) or (1B)(a); or
- (b) where that body is a body mentioned in section 34(A1)(b), the community to which that body relates.”.

(3) In section 61 (appeals)(~~5~~)—

- (a) in subsection (3)(~~6~~), the words from “as” to “body” (where it first occurs) are repealed; and
- (b) after subsection (7), insert—

“(8) In this section, references to the community are, as respects a community body, references to—

- (a) the community defined in relation to that body under section 34(1)(a), (1A)(a) or (1B)(a); or
- (b) where that body is a body mentioned in section 34(A1)(b), the community to which that body relates.

(9) In subsection (3), the references to the community body are to the community body—

- (a) in relation to which the community is defined as mentioned in subsection (8) (a); or
- (b) that relates to the community as mentioned in subsection (8)(b).”.

Savings

3.—(1) Nothing in article 2 has any effect in relation to—

- (a) the giving of approval of a community under section 51 of the 2003 Act to buy land under Part 2 of that Act where the application to register a community interest in the land was made by the community body relating to the community before 15th April 2016; or
- (b) the right of a member of a community to appeal under section 61(3) of the 2003 Act where the application to register a community interest in land to which the appeal relates was made by the community body relating to the community before 15th April 2016.

(2) In paragraph (1), references to an application to register a community interest in land are to an application under section 37(1) (registration of interest in land) of the 2003 Act.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(5) Section 61 is amended by section 58 of, and schedule 5 to, the 2015 Act.

(6) Section 61(3) is amended by schedule 5 to the 2015 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Community Empowerment (Scotland) Act 2015 (“the 2015 Act”).

The Order comes into force on 15th April 2016. Article 2 makes provision modifying the Land Reform (Scotland) Act 2003 (“the 2003 Act”). Modifications provided for in this Order are in consequence of the provision in the 2015 Act amending the 2003 Act in relation to the definition of community bodies (section 37 of the 2015 Act).

Article 3 makes savings provisions in relation to applications to register a community interest in land under section 37(1) of the 2003 Act made before 15th April 2016.