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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 400**

**The Community Right to Buy (Scotland) Regulations 2015**

**PART 5**

**Late applications**

**Late applications: similar community bodies**

**11.**—(1) The matters that Ministers must have regard to when considering under section 39(3)(ab)(1) of the Act, as read with section 39(7)(c)(2) of the Act, whether a community body is similar to another community body to a significant degree are—

- (a) whether any person who is a director, charity trustee or officer of the community body making the application to register a community interest in land is also a director, charity trustee or officer of another community body;
- (b) whether any member of the community body making the application to register a community interest in land is also a member of another community body;
- (c) the extent to which the purposes of each community body, as set out in its memorandum, articles of association, constitution or registered rules, are similar;
- (d) the extent to which the definitions of the communities to which each community body relates are similar, being the definitions included in each community body's articles of association, constitution or registered rules for the purposes of section 34(1)(a)(3), (1A)(a)(4) or (1B)(a)(5) of the Act as the case may be;
- (e) the date on which each community body was formed (in the case of a company limited by guarantee), constituted (in the case of a Scottish charitable incorporated organisation) or registered (in the case of a community benefit society); and
- (f) where applicable, the date on which one of the community bodies was dissolved (in the case of a company limited by guarantee or community benefit society) or removed from the Scottish Charity Register (in the case of a Scottish charitable incorporated organisation).

(2) For the purposes of paragraph (1)—

“director” means any person occupying the position of director of a company limited by guarantee, by whatever name called;

“charity trustee” means a person having general control and management of the administration of a Scottish charitable incorporated organisation; and

“officer” means, in relation to a community benefit society, any treasurer, secretary, member of the committee, manager or employee of the society.

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(1) Section 39(3)(ab) is substituted by section 42(4) of the 2015 Act.  
(2) Section 39(7)(c) is inserted by section 42(9) of the 2015 Act.  
(3) Section 34(1) is amended by section 37(3) of the 2015 Act.  
(4) Section 34(1A)(a) is inserted by section 37(4) of the 2015 Act.  
(5) Section 34(1B)(a) is inserted by section 37(4) of the 2015 Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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