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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 358**

**The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016**

**PART 1**

**Preliminary**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 and come into force on 23rd January 2017.

(2) These Regulations (other than Part 4) apply to applications for review made under section 86(2) of the Act (review by local authority).

(3) These Regulations apply as specified in regulation 13 to applications for review made under section 87(2) of the Act (review of decisions by the Scottish Ministers).

**Interpretation**

2. In these Regulations—

“the Act” means the Community Empowerment (Scotland) Act 2015;

“asset transfer request” means the asset transfer request to which the application for review relates;

“community transfer body” means the community transfer body which made the asset transfer request;

“contact address” has the meaning given in regulation 18;

“decision notice” means the notice given by the relevant authority of its decision on the asset transfer request;

“hearing session” means a hearing held or to be held into matters specified in a notice given under rule 1(1) of the Hearing Session Rules;

“Hearing Session Rules” means the rules set out in the schedule;

“interested party” means any person from whom the relevant authority received representations (which were not subsequently withdrawn) in connection with the asset transfer request;

“period allowed for determination of the request” means—

(a) the period of 6 months beginning with the validation date; or

(b) such longer period as may be agreed between the community transfer body and the relevant authority under section 82(8)(b) of the Act;

“relevant authority” means the relevant authority to whom the asset transfer request is made;

“review documents” means the decision notice in respect of which the application for review is made, the application for review, all documents accompanying the application for review in

accordance with regulation 3 and any representations or comments made under regulation 4(4) or (6);

“review panel” means the persons appointed by the Scottish Ministers under regulation 12(1) to consider the asset transfer request and to report to them on it;

“rule” means a rule set out in the schedule;

“specified matters” are, in relation to a request for further written representations or information under regulation 8 or to a particular hearing session, those matters which are set out in the notice given under regulation 8(1) or rule 1(1) of the Hearing Session rules, as the case may be;

“validation date” has the same meaning as in the Asset Transfer Request (Procedure) (Scotland) Regulations 2016<sup>(1)</sup>; and

“working day” means every day except—

- (a) Saturday and Sunday;
- (b) 25th and 26th December; and
- (c) 1st and 2nd January.

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<sup>(1)</sup> S.S.I. 2016/357.