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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 358**

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

**PART 5**

**General**

**Further copies of documents etc.**

**15.**—(1) The relevant authority may require any person who has submitted documents, materials or evidence under these Regulations in connection with the review to—

- (a) provide to the relevant authority such number of additional copies of such of those documents, materials or evidence as they may specify; and
- (b) provide to such other persons as they may specify such copies or additional copies of any documents, materials or evidence as they may specify.

(2) The relevant authority must, until such time as the review is determined, make copies of such documents, materials or evidence provided under paragraph (1)(a) available for inspection at an office of the relevant authority and, where practicable, must afford any person who so requests a reasonable opportunity of taking copies of such documents (or any part thereof).

**Compliance with notification and consultation procedures**

**16.**—(1) The relevant authority must, to the extent not already done so, comply with regulations 6 (notification of asset transfer request) and 7 (publication of asset transfer request) of the Asset Transfer Request (Procedure) (Scotland) Regulations 2016(1) before determining the review.

(2) Where the relevant authority notifies any person in accordance with paragraph (1), references in these Regulations (other than regulation 4) to an interested party include any such person from whom the relevant authority received representations (which are not subsequently withdrawn) in connection with the asset transfer request.

**Decision notice**

**17.** The relevant authority must—

- (a) give notice of the decision to the community transfer body;
- (b) notify every person who made (and did not subsequently withdraw) representations in respect of the review that a decision on the review has been made and how a copy of the notice of the decision may be inspected; and
- (c) make a copy of the decision notice available for inspection on a website or by other electronic means.

### Contact address

18.—(1) In relation to a review to which these Regulations apply, the “contact address” is the address (including any address for the purposes of electronic communication within the meaning of regulation 19) to which the community transfer body wishes any document relating to review to be sent.

(2) The contact address is as stated in the application for review, unless the community transfer body has subsequently informed the Scottish Ministers of a change to the contact address, in which case the contact address is the address most recently provided to the relevant authority by the community transfer body as the contact address.

### Electronic communication

19.—(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communication and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient agrees, or is deemed to have agreed under paragraph (3), to receive it electronically; and
- (b) the document transmitted by electronic communication is—
  - (i) capable of being accessed by the recipient;
  - (ii) legible in all material respects; and
  - (iii) sufficiently permanent to be used for subsequent reference.

(3) Any person sending a document using electronic communication is to be taken to have agreed—

- (a) to the use of such communication for all purposes relating to the review which are capable of being carried out electronically; and
- (b) that the address for the purpose of such communication is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) subsists until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communication or of revocation of agreement under paragraph (4) takes effect on the later of—

- (a) the date specified by the person in the notice; or
- (b) the expiry of the period of 5 working days beginning with the date on which the notice is given.

(6) In this regulation—

“address” includes any number or address used for the purpose of such communication or storage;

“document” includes any notice, consent, agreement, decision, representation, statement, report or other information or communication;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);

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(2) 2000 c.7. Section 15 was amended by the Communications Act 2003 (c.21), schedule 17, paragraph 158.

“legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form; and

“sent” includes served, submitted or given and cognate expressions are to be construed accordingly.