
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 358

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

PART 2

Application for review under section 86(2) of the Act

Application for review

3.—(1) An application for review to the local authority under section 86(2) of the Act is to be made in writing in accordance with this regulation.

(2) The application for review must be made to the local authority within the period of 20 working days beginning with, in the case of an application for review made by virtue of—

- (a) section 86(1)(b)(i) or (ii) of the Act, the date of the decision notice; and
- (b) section 86(1)(b)(iii) of the Act, the date of expiry of the period allowed for determination of the request.

(3) The application for review must—

- (a) include the name and contact address of the community transfer body;
- (b) specify the land to which the asset transfer request relates;
- (c) include a statement setting out the community transfer body's reasons for requiring a review of the case and by what, if any, procedure (or combination of procedures) the community transfer body considers the review should be conducted; and
- (d) be accompanied by a list of all documents, materials and evidence which the community transfer body intends to rely on in the review.

(4) Subject to paragraph (5)—

- (a) all matters which the community transfer body intends to raise in the review must be set out in the application for review or in the documents, materials and evidence referred to on the list submitted in accordance with paragraph (3)(d); and
- (b) the application for review must be accompanied by a copy of all documents, materials and evidence specified on such list other than any documents, materials or evidence which—
 - (i) the community transfer body has already provided to the local authority in connection with the asset transfer request; or
 - (ii) the local authority otherwise already holds.

(5) In addition to matters set out in the application for review and in the documents, materials and evidence referred to the list submitted in accordance with paragraph (3)(d), the community transfer body may raise matters and submit further documents, materials or evidence only—

- (a) in accordance with and to the extent permitted by regulation 4(6); or

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- (b) where the local authority makes a request (under regulation 8(1), rule 1(1) of the Hearing Session Rules or otherwise) for further representations to be made or further information to be provided by the community transfer body.