

Appendix 1 – Position on the Community Empowerment Legislation

The National Outcomes (**Part 1**) came into force on the 15 April 2016. Some of the Community Rights to Buy Land section (**Part 4**) came into force on 15 April 2016 at the same time as Amendments to Part 2 of the Land Reform Act.

In March 2016 consultation papers were launched by the previous Scottish Government on:

- Draft Guidance and Regulations on **Part 2** Community Planning <https://consult.scotland.gov.uk/community-empowerment-unit/community-planning-guidance> A response to this consultation paper was discussed at the meeting of the Scottish Borders Community Planning Partnership.
- Draft Regulations on **Part 3** Participation Requests. <https://consult.scotland.gov.uk/community-empowerment-unit/participation-request-regulations> .
- **Part 4** - the community right to buy abandoned, neglected or detrimental land, <https://consult.scotland.gov.uk/community-land-team/abandoned-land> and the Crofting Community Right to Buy <https://consult.scotland.gov.uk/community-land-team/right-to-buy>
An officer response has been submitted to the former paper because of its technical nature.
- Draft regulations on **Part 5** Asset Transfer <https://consult.scotland.gov.uk/community-empowerment-unit/asset-transfer-procedures>

The position of the Scottish Government on **Part 6**, the Delegation of Forestry Commissioners' Functions which allows for different types of community bodies to be involved in forestry leasing, is that this will be covered in a revised National Forest Land Scheme which will be published after the Asset Transfer Requests provisions come into force.

In relation to **Part 7**, Football Clubs, the Act provides powers for Ministers to make regulations to facilitate supporter involvement and give fans rights in these areas. A consultation on this issue closed in January 2016, and the Scottish Government is currently considering the responses.

The position on further guidance in relation to **Part 8** Common Good Property is still awaited on. In relation to **Part 9** Allotments, the Scottish Government "Consultation on Allotments Compensation: Secondary Legislation under the Community Empowerment (Scotland) Act 2015" ran from 20 August 2015 to 16 October 2015. A separate consultation will be taken forward in early to mid-2016 that will seek to determine the Guidance that local authorities must adhere to in relation to Part 9.

Part 10 reserves the powers for Ministers to make Regulations that require public authorities to promote and facilitate the participation of members of the public in the decisions and activities of the authority, including the allocation of resources. There is no indication that Ministers will use these reserve powers.

Finally in relation to **Part 11**: the Non Domestic Rates (Part 11) element of the Act came into force on the 31 October 2015. This allowed local authorities to develop

schemes for the reduction and remission of domestic rates.