POLICY NOTE

THE COMMUNITY RIGHT TO BUY (SCOTLAND) AMENDMENT REGULATIONS 2016

SSI 2016/4

The above instrument was made in exercise of the powers conferred by Scottish Ministers by sections 34(5), 52(3) and (7) and 98(3) of the Land Reform (Scotland) Act 2003. The instrument is subject to the negative procedure.

Policy Objectives

The Community Right to Buy (Scotland) Amendment Regulations 2016 ("the Regulations") make minor amendments to the Community Right to Buy (Scotland) Regulations 2015 ("the 2015 Regulations"), which were laid before Parliament on 23rd November 2015. At its meeting on 8th December 2015 the Delegated Powers and Law Reform Committee considered the 2015 Regulations, taking account of correspondence from the Scottish Government undertaking to amend the 2015 Regulations before they came into force to address certain issues identified by the Committee. In its Report[1] the Committee noted the Scottish Government's undertaking to make these amendments, and these Regulations meet that undertaking.

The Regulations substitute "2016" for "2015" to correct a typographical error in regulation 1(3)(d)(ii) of the 2015 Regulations.

The Regulations amend regulation 20(2) of the 2015 Regulations to clarify that it is the ballotter which is the party to whom Ministers must provide a copy of the community body's memorandum, articles of association, constitution or registered rules.

The Regulations amend the title of Schedule 11 to ensure that it reflects the fact that the Schedule contains the prescribed form of return of ballot results.

The Regulations amend Schedule 11 (Form of return of ballot results) to add entry 9A which will require the ballotter to provide details of the result of the ballot, being the number of votes cast for the proposition that the community body buy the land, divided by the number of persons eligible to vote who voted in the ballot, expressed as a percentage. This amendment will provide clarity as to the result of the ballot.

Consultation

Two public consultations took place prior to the introduction of the Community Empowerment (Scotland) Bill, with the latter, open from November 2013 to January 2014, consulting on improvements to Part 2 of the 2003 Act which sets out the process for the community right to buy.

1See the DPLRC's 79th Report, 2015 (Session 4): Subordinate Legislation, published on 9th December 2015: http://www.scottish.parliament.uk/S4_SubordinateLegislationCommittee/Reports/DPLRS042015R79Rev.pdf

The results of these consultations and resultant conversations with stakeholders shaped and informed the content of the Community Right to Buy (Scotland) Regulations 2015 and the presentation of the forms, notices and notifications in those regulations, which are amended by this instrument.

Impact assessments

An equality impact assessment was completed on the policy in June 2014 and equally applies to this instrument. The equality impact assessment can be accessed via the following link : http://www.gov.scot/Resource/0047/00470252.pdf

A Privacy Impact Assessment was not required for introduction of the Community Empowerment (Scotland) Bill, and there are no matters arising within this instrument which would require a privacy impact assessment to be carried out.

A pre-screening Strategic Environmental Assessment (SEA) was carried out prior to the Community Empowerment (Scotland) Bill, and there are no matters arising within this instrument which would require a refresh of the SEA.

Financial effects

A Business and Regulatory Impact Assessment (BRIA) was completed on the policy in June 2014. The financial impacts of the regulations contained within this instrument have been considered in relation to the BRIA at the time it was drafted, and there are no further financial impacts identified in this instrument which were not contained within the BRIA.

Scottish Government
Agriculture, Food and Rural Communities Directorate
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