POLICY NOTE

THE ASSET TRANSFER REQUEST (DESIGNATION OF RELEVANT AUTHORITY) (SCOTLAND) ORDER 2019

SSI 2019/XXX

The above instrument was made in exercise of the powers conferred by section 142(2) of the Community Empowerment (Scotland) Act 2015. The instrument is subject to affirmative procedure.

Policy Objectives

Under section 79 of the Community Empowerment (Scotland) Act 2015 ("the Act") an asset transfer request may be made by a community transfer body for any land owned or leased by a "relevant authority". Schedule 3 ("the Schedule") of the Act lists a range of public bodies as relevant authorities, including Scottish Ministers. Scottish Ministers may by order modify the Schedule, or designate new relevant authorities.

This order designates VisitScotland as a relevant authority, so that asset transfer requests can be made for land (including buildings) which it owns or leases.

It is policy intention that property managed by VisitScotland should be subject to asset transfer legislation. SG officials have been in regular discussion with VisitScotland who understand the requirement and are agreeable to being added to the Schedule. VisitScotland is an executive non departmental public body and owns buildings in its own right. Properties in Care are still held by Scottish Ministers, but in order to keep it within the asset transfer scheme all land or buildings managed by VisitScotland must be subject to asset transfer, therefore requiring VisitScotland to be designated a relevant authority.

Consultation

To comply with the requirements of section 142(2) of the Act, VisitScotland were fully consulted throughout the process, and no concerns were raised as a result of the consultation. VisitScotland has agreed to be added to the Schedule of the Act as a relevant authority.

Impact Assessments

This designation has no impact on issues for which impact assessments are required.

Financial Effects

The Minister for Local Government, Communities, and Planning confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business. VisitScotland will be involved in advising the Scottish Ministers on asset transfer requests in relation to the property it manages on their behalf. Adding its own property will not have any additional effects.

Scottish Government
Directorate for Local Government and Communities
January 2019