

Community Empowerment (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 100
Long Title

Schedules 1 to 5

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Marco Biagi

27 In section 1, page 1, line 10, leave out <by regulations prescribe> and insert <determine>

Marco Biagi

28 In section 1, page 1, line 26, leave out subsection (1C)

Alex Rowley

147 In section 1, page 2, leave out lines 3 to 14

Marco Biagi

29 In section 1, page 2, line 4, leave out <such persons> and insert <—
(i) such persons who appear to them to represent the interests of communities in Scotland, and
(ii) such other persons>

Marco Biagi

30 In section 1, page 2, line 8, at end insert—
<() In consulting the Scottish Parliament under paragraph (c) of subsection (2), the Scottish Ministers must also lay before the Parliament a document describing—
(a) the consultation carried out under paragraph (a) of that subsection,
(b) any representations received in response to that consultation, and
(c) whether and if so how those representations have been taken account of in preparing the draft national outcomes.>

Marco Biagi

31 In section 1, page 2, line 15, leave out from second <in> to <applies> in line 16

Marco Biagi

32 In section 1, page 2, line 17, at end insert—

<() Nothing in subsection (4) requires the Scottish Parliament or the Scottish Parliamentary Corporate Body to have regard to the national outcomes in carrying out any of their functions.>

Marco Biagi

33 In section 1, page 2, line 18, at end insert—

<“community” includes any community based on common interest, identity or geography,>

Section 1A

Alex Rowley

148 In section 1A, page 2, line 28, leave out from <eligible> to end of line and insert <normally resident in a local authority area,>

Marco Biagi

34 Leave out section 1A

Section 2

Marco Biagi

35 In section 2, page 3, line 23, leave out <such persons> and insert <—

- (a) such persons who appear to them to represent the interests of communities in Scotland, and
- (b) such other persons>

Marco Biagi

36 In section 2, page 3, line 38, at end insert—

<() In consulting the Scottish Parliament under subsection (4)(zb), the Scottish Ministers must also lay before the Parliament a document describing—

- (a) the consultation carried out under subsection (3A),
- (b) any representations received in response to that consultation, and
- (c) where they propose to make revisions to the national outcomes, whether and if so how those representations have been taken account of in preparing the proposed revisions.>

Marco Biagi

37 In section 2, page 4, line 4, at end insert—

<() In subsection (3A), “community” includes any community based on common interest, identity or geography.>

Section 3

Marco Biagi

- 38 In section 3, page 4, line 10, leave out from <, as> to <report> in line 11 and insert <prepare and publish reports>

Marco Biagi

- 39 In section 3, page 4, line 15, at end insert—
<() Reports must be prepared and published at such times as the Scottish Ministers consider appropriate.>

Marco Biagi

- 40 In section 3, page 4, line 16, leave out subsections (4) to (6)

Alex Rowley

- 149 In section 3, page 4, line 17, leave out from <eligible> to end of line and insert <normally resident in a local authority area,>

Section 3A

Alex Rowley

- 150 In section 3A, page 4, line 36, leave out from <from> to end of line 39 and insert <normally resident in that postcode unit or in one of the postcode units,>

Marco Biagi

- 41 Leave out section 3A

After section 3A

Tavish Scott

- 151 After section 3A, insert—

<PART

EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

Duty of Scottish Ministers in relation to European Charter of Local Self-Government

- (1) The Scottish Ministers must, in exercising their functions, observe and promote the principles and provisions of the European Charter of Local Self-Government.
- (2) In this section, the European Charter of Local Self-Government means the Charter of the Congress of the Council of Europe of that name signed at Strasbourg on 15 October 1985.>

Section 5

Marco Biagi

- 1 In section 5, page 6, line 24, at end insert <, and
() a description of the needs and circumstances of persons residing in the area of the local authority to which the plan relates.>

Section 7

Marco Biagi

- 2 In section 7, page 7, line 18, after <a> insert <local outcomes improvement plan>

Marco Biagi

- 3 In section 7, page 7, line 20, after <A> insert <local outcomes improvement plan>

After section 7

Marco Biagi

- 4 After section 7, insert—
<Localities: comparison of outcomes
 - (1) Each community planning partnership must, for the purposes of this Part, divide the area of the local authority into smaller areas.
 - (2) The smaller areas mentioned in subsection (1) (“localities”) must be of such type or description as may be specified by the Scottish Ministers by regulations.
 - (3) Having carried out the duty under subsection (1), the community planning partnership must identify each locality in which persons residing there experience significantly poorer outcomes which result from socio-economic disadvantage than—
 - (a) those experienced by persons residing in other localities within the area of the local authority, or
 - (b) those experienced generally by persons residing in Scotland.
 - (4) In carrying out the duty under subsection (3), a community planning partnership must take account of the needs and circumstances of persons residing in the area of the local authority.
 - (5) Regulations under subsection (2) may specify areas of a type or description subject to any conditions specified in the regulations.
 - (6) The Scottish Ministers may by regulations specify that localities within the area of a local authority must each be of the same type or description as may be specified in regulations under subsection (2).
 - (7) In this section, references to the area of a local authority mean, in relation to a community planning partnership, the area of the local authority for which the partnership is carrying out community planning.>

Marco Biagi

5 After section 7, insert—

<Locality plan

- (1) Each community planning partnership must prepare and publish a locality plan for each locality identified by it by virtue of section (*Localities: comparison of outcomes*)(3).
- (2) A community planning partnership may prepare and publish a locality plan for any other locality within the area of the local authority for which it is carrying out community planning.
- (3) A locality plan is a plan setting out for the purposes of the locality to which the plan relates—
 - (a) local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes in the locality,
 - (b) a description of the proposed improvement in the achievement of the outcomes, and
 - (c) the period within which the proposed improvement is to be achieved.
- (4) In preparing a locality plan, a community planning partnership must consult—
 - (a) such community bodies as it considers appropriate, and
 - (b) such other persons as it considers appropriate.
- (5) Before publishing a locality plan, the community planning partnership must take account of—
 - (a) any representations received by it by virtue of subsection (4), and
 - (b) the needs and circumstances of persons residing in the locality to which the plan relates.>

Marco Biagi

6 After section 7, insert—

<Locality plan: review

- (1) Each community planning partnership must keep under review the question of whether it is making progress in improving the achievement of each local outcome referred to in subsection (3)(a) of section (*Locality plan*) in relation to each locality for which it has published a locality plan under subsection (1) or (2) of that section.
- (2) Each community planning partnership—
 - (a) must from time to time review each locality plan published by it under section (*Locality plan*),
 - (b) may, following such a review, revise such a plan.
- (3) Subsections (4) and (5) of section (*Locality plan*) apply in relation to a locality plan revised under subsection (2)(b) as they apply in relation to a locality plan prepared and published under subsection (1) or (2) of that section (but subject to the modification in subsection (4)).

- (4) The modification is that the reference in subsection (5)(a) of section (*Locality plan*) to representations received by virtue of subsection (4) of that section is to be read as if it were a reference to representations received by virtue of that subsection as applied by subsection (3) of this section.
- (5) Where a community planning partnership revises a locality plan under subsection (2)(b), it must publish a revised plan.
- (6) Subsection (2) applies in relation to a revised locality plan published under subsection (5) as it applies in relation to a locality plan published under section (*Locality plan*); and the duty in subsection (5) applies accordingly.>

Marco Biagi

7 After section 7, insert—

<Locality plan: progress report

- (1) Each community planning partnership must prepare and publish a locality plan progress report in relation to each locality plan published by it under section (*Locality plan*) for each reporting year.
- (2) A locality plan progress report is a report setting out the community planning partnership’s assessment of whether there has been any improvement in the achievement of each local outcome referred to in section (*Locality plan*)(3)(a) during the reporting year.
- (3) In this section, “reporting year” means—
 - (a) a period of one year beginning on 1 April, or
 - (b) in relation to a particular community planning partnership, a period of one year beginning on such other date as may be specified in a direction given by the Scottish Ministers to the community planning partnership.>

Section 13

Marco Biagi

8 In section 13, page 10, line 7, at end insert—

<“locality” has the meaning given by section (*Localities: comparison of outcomes*)(2).>

Section 15

Marco Biagi

9 In section 15, page 10, line 29, at end insert <, or

() a group mentioned in subsection (4).>

Marco Biagi

10 In section 15, page 10, line 36, at end insert—

<(4) The group is a group—

(a) that comprises a number of individuals who are members of the group,

- (b) that has no written constitution,
- (c) that relates to a particular community,
- (d) membership of which is open to any member of that community,
- (e) whose decisions are made or otherwise controlled by members of the group who are members of that community, and
- (f) any surplus funds and assets of which are to be applied for the benefit of that community.>

Section 17

Marco Biagi

11 In section 17, page 12, line 10, at end insert—

<(2A) Subsection (2B) applies where a community participation body which is a group as mentioned in section 15(4) makes a participation request to a public service authority.

(2B) The group must, in addition to complying with subsection (2), provide such information to the authority as the authority may require in order for it to be satisfied that the body meets the requirements to be such a group.>

After section 24

Marco Biagi

42 After section 24, insert—

<Regulations: appeals and reviews

- (1) The Scottish Ministers may by regulations make provision for or in connection with—
 - (a) appeals against decision notices,
 - (b) reviews of decisions of public service authorities relating to participation requests.
- (2) Regulations under subsection (1) may, in particular, make provision for or in connection with—
 - (a) the procedure to be followed in connection with appeals and reviews,
 - (b) the manner in which appeals and reviews are to be conducted,
 - (c) the time limits within which—
 - (i) appeals are to be brought,
 - (ii) applications for reviews are to be made,
 - (d) the circumstances under which—
 - (i) appeals may or may not be brought,
 - (ii) applications for reviews may or may not be made,
 - (e) the persons to whom—
 - (i) appeals may be made,
 - (ii) applications for reviews may be made,

- (f) the powers of persons determining appeals and the disposals available to such persons,
- (g) the steps that may be taken by a public service authority following a review,
- (h) the effect of any decision taken in relation to an appeal or review on a decision notice to which the appeal or review relates.>

Section 24A

Marco Biagi

- 43 Leave out section 24A

Section 25A

Marco Biagi

- 12 In section 25A, page 17, line 36, at end insert—
- <() A participation request report is to be published under subsection (1) no later than 30 June following the end of the reporting year to which it relates.>

After section 25A

Marco Biagi

- 44 After section 25A, insert—
- <Ministerial report**
- (1) The Scottish Ministers must prepare, and lay before the Scottish Parliament, a report on the operation of participation requests.
 - (2) The report is to be prepared before the expiry of the period of three years beginning with the day on which section 17 comes into force.>

Section 28

Aileen McLeod

- 45 In section 28, page 21, line 10, after <(a)> insert <—
- () for “subsection (1)(a)” substitute “subsections (1)(a), (1A)(a) and (1B)(a)”, and>

Section 29

Aileen McLeod

- 46 In section 29, page 22, line 5, at end insert—
- <() After subsection (3), insert—

- “(4) Where the power conferred by subsection (3) is (or is to be) exercised in relation to land, Ministers may make an order relating to, or to matters connected with, the acquisition of the land.
- (5) An order under subsection (4) may—
 - (a) apply, modify or exclude any enactment which relates to any matter as to which an order could be made under that subsection,
 - (b) make such modifications of enactments as appear to Ministers to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order.”>

After section 29

Aileen McLeod

47 After section 29, insert—

<Register of Community Interests in Land

- (1) Section 36 of the 2003 Act (Register of Community Interests in Land) is amended as follows.
- (2) In subsection (2)—
 - (a) in paragraph (a)—
 - (i) at the beginning, insert “where the community body which has registered the interest is constituted by a company limited by guarantee,” and
 - (ii) the words from “which” to the end of the paragraph are repealed,
 - (b) after paragraph (a) insert—
 - “(aa) where the community body which has registered the interest is constituted by a Scottish charitable incorporated organisation within the meaning given in section 34(8) (a “SCIO”), the name and address of the principal office of the SCIO,
 - (ab) where the community body which has registered the interest is constituted by a community benefit society as defined in section 34(8), the name and address of the registered office of the society,”.
- (3) After subsection (5), insert—
 - “(5A) Subsection (5B) applies where—
 - (a) a community body changes its name,
 - (b) a community body which is constituted by a company limited by guarantee or by a community benefit society changes the address of its registered office, or
 - (c) a community body which is constituted by a SCIO changes the address of its principal office.
 - (5B) The community body must, as soon as reasonably practicable after the change is made, notify the Keeper of the change.”>

Section 30

Aileen McLeod

48 In section 30, page 22, line 19, at end insert—

<() in subsection (1)(b)—

- (i) after “that”, where it first occurs, insert “the acquisition of the land by the community body to which the application relates is compatible with furthering the achievement of sustainable development, and that”,
- (ii) in sub-paragraph (i), the words “defined under section 34(1)(a) above” are repealed,
- (iii) the word “or” immediately following sub-paragraph (i) is repealed,
- (iv) in sub-paragraph (ii), for “that”, where it first occurs, substitute “the”,
- (v) in that sub-paragraph, the words from “and” to the end of the sub-paragraph are repealed, and
- (vi) after that sub-paragraph insert—
 - “(iii) where the community body is a body mentioned in section 34(A1)(a), the land is in or sufficiently near to the area of the community by reference to which the community is defined as mentioned in section 34(5)(a), or
 - (iv) where the community body is a body mentioned in section 34(A1)(b), the land is in or sufficiently near to the area of the community to which the body relates,”>

Claudia Beamish

154 In section 30, page 22, line 24, leave out <6> and insert <12>

Claudia Beamish

155 In section 30, page 22, line 27, at end insert <(not being less than 6 months).”>

Aileen McLeod

49 In section 30, page 22, line 27, at end insert—

<() in subsection (3), for “above” substitute “, (1A)(a) or (1B)(a), or where that body is a body mentioned in section 34(A1)(b), the community to which that body relates”>

Section 31

Aileen McLeod

50 In section 31, page 23, line 28, leave out <7> and insert <14>

Aileen McLeod

51 In section 31, page 24, line 6, after <body,> insert—

<(ab) that—

- (i) in the period of 12 months before the application is received by Ministers, the owner of the land or, as the case may be, the creditor taking the action such as is mentioned in subsection (1A) did not make an offer to sell the land to the community body or a similar community body, or
- (ii) in that 12 month period, the owner of the land or, as the case may be, the creditor did make an offer to sell the land to the community body or a similar community body and, in the opinion of Ministers, there are good reasons why the body did not purchase the land,>

Aileen McLeod

52 In section 31, page 24, line 20, leave out <7> and insert <14>

Aileen McLeod

53 In section 31, page 24, line 39, at end insert—

<(6A) In subsection (3)(ab)—

- (a) references to “the land” include land that is, in the opinion of Ministers, mainly the same as the land to which the application mentioned in that subsection relates,
- (b) references to “an offer” are references to an offer in writing (or that is confirmed in writing),
- (c) a community body is, for the purposes of that subsection, similar to another community body if, in the opinion of Ministers, it is similar to the other body to a significant degree having regard to such matters as may be prescribed.>

Section 32

Aileen McLeod

54 In section 32, page 25, line 11, leave out <has been conferred> and insert <exists>

Aileen McLeod

55 In section 32, page 25, line 29, leave out <has been conferred> and insert <exists>

After section 33

Aileen McLeod

56 After section 33, insert—

<Notice of expiry of registration

In section 44 of the 2003 Act (duration and renewal of registration), after subsection (5) insert—

“(5A) The Scottish Ministers must send written notice to a community body which has a registered community interest of the date on which that interest will cease to have effect unless it is re-registered (“the expiry date”).

(5B) A notice under subsection (5A) must be sent in the period beginning on the day which falls 12 months before the expiry date and ending 28 days after that day.”.>

Claudia Beamish

156 After section 33, insert—

<Duration of registration

In section 44 of the 2003 Act (duration and renewal of registration), in each of subsections (1) and (4), for the word “five” substitute “seven”.>

Section 38

Aileen McLeod

57 In section 38, page 29, line 20, leave out <7> and insert <14>

Section 39

Aileen McLeod

58 In section 39, page 29, line 25, leave out <7> and insert <14>

After section 42

Aileen McLeod

59 After section 42, insert—

<Notification of application under section 57 of the 2003 Act

In section 57 of the 2003 Act (powers of Lands Tribunal in event of failure or delay), after subsection (5), insert—

“(6) Where an application under subsection (1) is made by the owner of the land or the community body, the owner or, as the case may be, the community body must, within 7 days of the date on which the application is made, notify Ministers in writing of—

- (a) the making of the application, and
- (b) the date of making the application.

(7) Failure to comply with the requirement in subsection (2) to send a copy of the order made under that subsection, or with subsection (6), has no effect on—

- (a) the community body’s right to buy the land, or
- (b) the validity of the application under subsection (1).”.>

Section 45A

Aileen McLeod

60 In section 45A, page 34, line 24, at end insert—

<() After subsection (8) insert—

“(8A) Where the owner of the land or the community body appeals under this section, the owner or, as the case may be, the community body must, within 7 days of the date on which the appeal is made, notify Ministers in writing of—

- (a) the making of the appeal, and
- (b) the date of the making of the appeal.

(8B) The Lands Tribunal must send a copy of the written statement of reasons issued under subsection (7) to Ministers.

(8C) Failure to comply with subsection (8A) or (8B) has no effect on—

- (a) the community body’s right to buy the land, or
- (b) the validity of the appeal.”.>

Section 47C

Sarah Boyack

157 In section 47C, page 38, line 39, at end insert—

<() After subsection (5A) insert—

“(5AA)Ministers may by regulations—

- (a) modify any of paragraphs (a) to (g) of subsection (5),
- (b) provide for any of those paragraphs not to apply in such cases or circumstances as may be specified in the regulations.”.>

Section 47J

Aileen McLeod

61 In section 47J, page 41, line 35, at end insert—

<() after subsection (6), insert—

“(6A) Where the owner of land, the tenant, the person entitled to the sporting interests or the crofting community body appeals under this section, the owner, tenant, person so entitled or, as the case may be, crofting community body must, within 7 days of the date on which the appeal is made, notify Ministers in writing of—

- (a) the making of the appeal, and
- (b) the date of the making of the appeal.

(6B) The Land Court must send a copy of the written statement of reasons issued under subsection (5) to Ministers.

(6C) Failure to comply with subsection (6A) or (6B) has no effect on—

- (a) the crofting community body’s right to buy the land, the tenant’s interest or the sporting interests, or
- (b) the validity of the appeal under this section.”>

After section 47J

Aileen McLeod

62 After section 47J, insert—

<Register of Crofting Community Rights to Buy

- (1) Section 94 of the 2003 Act (Register of Crofting Community Rights to Buy) is amended as follows.
- (2) In subsection (2)—
 - (a) in paragraph (a)—
 - (i) at the beginning, insert “where the crofting community body which has submitted the application is constituted by a company limited by guarantee,”, and
 - (ii) the words from “which” to the end of the paragraph are repealed,
 - (b) after paragraph (a) insert—
 - “(aa) where the crofting community body which has submitted the application is constituted by a Scottish charitable incorporated organisation within the meaning given in section 71(8) (a “SCIO”), the name and address of the principal office of the SCIO,
 - (ab) where the crofting community body which has submitted the application is constituted by a community benefit society as defined in section 71(8), the name and address of the registered office of the society,”.
- (3) After subsection (2), insert—
 - “(2A) Subsection (2B) applies where—
 - (a) a crofting community body changes its name,
 - (b) a crofting community body which is constituted by a company limited by guarantee or by a community benefit society changes the address of its registered office, or
 - (c) a crofting community body which is constituted by a SCIO changes the address of its principal office.
 - (2B) The crofting community body must, as soon as reasonably practicable after the change is made, notify the Crofting Commission of the change.”.
- (4) After subsection (3), insert—
 - “(3A) If the crofting community body registering an application requires that any such information or document relating to that application and falling within subsection (3B) as is specified in the requirement be withheld from public inspection, that information or document is to be kept by or on behalf of Ministers separately from and not entered in the crofting register.

- (3B) Information or a document falls within this subsection if it relates to arrangements for the raising or expenditure of money to enable the land to which the application relates to be put to a particular use.
- (3C) Nothing in subsection (3A) or (3B) obliges an applicant crofting community body, or empowers Ministers to require such a body, to submit to Ministers any information or document within subsection (3B).”>

Section 47K

Aileen McLeod

63 In section 47K, page 41, line 37, leave out <97A> and insert <97>

Aileen McLeod

64 In section 47K, page 42, line 1, leave out <97B> and insert <97ZA>

Section 48

Aileen McLeod

65 In section 48, page 42, line 15, at end insert <(within the meaning of section 69(1) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003)>

Aileen McLeod

66 In section 48, page 42, line 22, after <Ministers> insert—
<(a)>

Aileen McLeod

67 In section 48, page 42, line 23, at end insert <, or

- (b) the use or management of the land is such that it results in or causes harm, directly or indirectly, to the environmental wellbeing of a relevant community.

5 (1A) In subsection (1)(b)—

- (a) “harm”—
 - 10 (i) includes harm the environmental effects of which have an adverse effect on the lives of persons comprising the relevant community mentioned in that subsection,
 - (ii) does not include harm which, in the opinion of Ministers, is negligible,
- (b) “relevant community”, in relation to a Part 3A community body making an application under section 97G in relation to the land, means—
 - 15 (i) the community defined as mentioned in subsection (5) of section 97D to which the Part 3A community body relates (reading that subsection as if paragraph (b)(ii) were omitted), or

- (ii) where the Part 3A community body is a body mentioned in section 97D(1)(b), the community to which the body relates.>

Sarah Boyack

- 67A** As an amendment to amendment 67, line 3, after <environmental> insert <and social>

Sarah Boyack

- 67B** As an amendment to amendment 67, line 7, after <environmental> insert <and social>

Sarah Boyack

- 158** In section 48, page 42, line 25, at end insert—

<() A draft of a statutory instrument containing the first regulations under subsection (2) must be laid before the Scottish Parliament within 18 months of the day on which the Community Empowerment (Scotland) Act 2015 received Royal Assent.>

Aileen McLeod

- 68** In section 48, page 42, line 28, at end insert <other than a building or other structure which is occupied by an individual under a tenancy>

Claudia Beamish

- 159** In section 48, page 42, leave out lines 34 to 36

Aileen McLeod

- 69** In section 48, page 43, line 2, leave out <subsection (3)(a)> and insert <paragraph (a) of subsection (3),

() descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy for the purposes of that paragraph>

Aileen McLeod

- 70** In section 48, page 44, leave out lines 40 and 41

Aileen McLeod

- 71** In section 48, page 45, line 23, leave out <(1)> and insert <(1A)>

Aileen McLeod

- 72** In section 48, page 45, line 31, at end insert—

<“company limited by guarantee” has the meaning given by section 3(3) of the Companies Act 2006,>

Aileen McLeod

- 73** In section 48, page 46, line 15, leave out <or Neglected> and insert <, Neglected or Detrimental>

Aileen McLeod

- 74 In section 48, page 46, line 21, at beginning insert <where the Part 3A community body which has submitted the application is constituted by a company limited by guarantee,>

Aileen McLeod

- 75 In section 48, page 46, line 21, leave out from <which> to end of line 23

Aileen McLeod

- 76 In section 48, page 46, line 23, at end insert—
- <(aa) where the Part 3A community body which has submitted the application is constituted by a Scottish charitable incorporated organisation within the meaning given in section 97D(8) (a “SCIO”), the name and address of the principal office of the SCIO,
 - (ab) where the Part 3A community body which has submitted the application is constituted by a community benefit society as defined in section 97D(8), the name and address of the registered office of the society,>

Aileen McLeod

- 77 In section 48, page 46, line 31, at end insert—
- <() Subject to subsection (3), any person who, under this Part, provides a document or other information, or makes a decision, which or a copy of which is to be registered in the Part 3A Register must, as soon as reasonably practicable after providing the document or other information or, as the case may be, making the decision, give it or a copy of it to the Keeper for the purpose of allowing it to be so registered.>

Aileen McLeod

- 78 In section 48, page 46, line 42, at end insert—
- <(5A) Subsection (5B) applies where—
 - (a) a Part 3A community body changes its name,
 - (b) a Part 3A community body which is constituted by a company limited by guarantee or by a community benefit society changes the address of its registered office, or
 - (c) a Part 3A community body which is constituted by a SCIO changes the address of its principal office.
 - (5B) The Part 3A community body must, as soon as reasonably practicable after the change is made, notify the Keeper of the change.>

Sarah Boyack

- 160 In section 48, page 47, line 31, leave out from <specify> to end of line 32 and insert <—
- (i) either—
 - (A) specify the owner of the land, or

(B) where the Part 3A community body has, despite making all reasonable efforts to do so, been unable to identify the owner of the land, provide details of those efforts and request that Ministers identify the owner of the land, and

(ii) specify>

Alex Fergusson

161 In section 48, page 47, line 32, at end insert—

<() any tenant of the land, and>

Aileen McLeod

79 In section 48, page 48, line 5, at end insert <or

() being used or managed in such a way as to result in or cause harm as mentioned in section 97C(1)(b)>

Aileen McLeod

80 In section 48, page 48, line 10, at end insert <, and

() where the Part 3A community body has made a request to a relevant regulator as mentioned in section 97H(5)(b) (“relevant regulator” being construed in accordance with section 97H(6)), information about the request.>

Sarah Boyack

162 In section 48, page 48, line 13, at beginning insert <except where subsection (5)(b)(i)(B) applies,>

Sarah Boyack

163 In section 48, page 48, line 39, at end insert—

<(za) where subsection (5)(b)(i)(B) applies, before complying with paragraphs (a) to (c), take reasonable steps to identify the owner of the land,>

Alex Fergusson

164 In section 48, page 48, line 41, at end insert—

<() any tenant of the land,>

Aileen McLeod

81 In section 48, page 49, line 21, after <abandoned> insert <or, as the case may be, to be used or managed in such a way as to result in or cause harm as mentioned in section 97C(1)(b)>

Claudia Beamish

165 In section 48, page 49, line 25, at end insert—

<() For the purpose of subsection (10)(d), Ministers may prescribe—

- (a) what constitutes a proposal for land,
- (b) what evidence is to be provided to demonstrate that a proposal exists, and
- (c) other information that is to be provided in connection with any proposals for the land (for example, information as to whether similar proposals have been made in the past and not carried out).>

Sarah Boyack

166 In section 48, page 50, line 30, at end insert <or, where section 97G(5)(b)(i)(B) applies, that they have, under section 97G(9)(za), accurately identified the owner of the land,>

Aileen McLeod

82 In section 48, page 51, line 1, leave out <defined under section 97D>

Aileen McLeod

83 In section 48, page 51, line 5, leave out <that> and insert <the>

Aileen McLeod

84 In section 48, page 51, line 5, at end insert—

- <() where the Part 3A community body is a body mentioned in section 97D(1)(a), the land is in or sufficiently near to the area of the community by reference to which the community is defined as mentioned in section 97D(5)(a), or
- () where the Part 3A community body is a body mentioned in section 97D(1)(b), the land is in or sufficiently near to the area of the community to which the body relates,>

Aileen McLeod

85 In section 48, page 51, line 6, leave out <so defined>

Aileen McLeod

86 In section 48, page 51, line 9, at end insert—

- <(2) Subsection (1) is subject to subsections (3) to (7).
- (3) Subsections (4) to (7) apply in relation to an application made under section 97G that relates to land the use or management of which is such that it results in or causes harm to the environmental wellbeing of a relevant community (as defined in section 97C(1A)).
- (4) In deciding whether to consent to the application, Ministers are not required to be satisfied as to the matter mentioned in subsection (1)(c) in relation to the land.
- (5) Ministers must not consent to the application unless they are satisfied (in addition to the matters specified in subsection (1) as read with subsection (4))—

- 15 (a) that the exercise by the Part 3A community body of the right to buy under this Part is compatible with removing, or substantially removing, the harm to the environmental wellbeing of the relevant community,
- (b) that the Part 3A community body has, before the application is submitted, made a request to—
- 20 (i) a relevant regulator (if any), or
- (ii) where there is more than one relevant regulator, to all such regulators,
- to take action in relation to the land in exercise of its (or their) relevant regulatory functions that could, or might reasonably be expected to, remedy or mitigate the harm, and
- 25 (c) (regardless of whether or not a relevant regulator is taking, or has taken, action in exercise of its relevant regulatory functions in relation to the land) that the harm is unlikely to be removed, or substantially removed, by the owner of the land continuing to be its owner.
- (6) For the purposes of subsection (5)—
- 30 (a) “regulator” means—
- (i) such person, body or office-holder as may be prescribed, or
- (ii) a person, body or office-holder of such description as may be prescribed,
- 35 (b) a regulator is “relevant” if, in the opinion of Ministers, the regulator is relevant having regard to the harm to the environmental wellbeing of the relevant community,
- (c) action taken by a relevant regulator in exercise of its relevant functions includes action to secure compliance with or enforce a regulatory requirement,
- 40 (d) “regulatory functions” has the meaning given by section 1(5) (as read with section 1(6)) of the Regulatory Reform (Scotland) Act 2014, but as if the words “but does not include any such functions exercisable by a planning authority” in section 1(5) were omitted,
- (e) a regulatory function is “relevant” if, in the opinion of Ministers, the function is relevant having regard to the harm to the environmental wellbeing of the relevant community.
- 45 (7) In subsection (6)(c), “regulatory requirement” has the meaning given by section 1(5) of the Regulatory Reform (Scotland) Act 2014, but as if the references to “regulator” and “regulatory functions” in paragraph (b) of that definition were references respectively to “regulator” and “regulatory functions” within the meaning given by subsection (6) of this section.>
- 50

Sarah Boyack

86A As an amendment to amendment 86, line 5, after <environmental> insert <and social>

Sarah Boyack

86B As an amendment to amendment 86, line 15, after <environmental> insert <and social>

Sarah Boyack

86C As an amendment to amendment 86, line 34, after <environmental> insert <and social>

Sarah Boyack

86D As an amendment to amendment 86, line 44, leave out <environmental> and insert <and social>

Aileen McLeod

87 In section 48, page 51, line 9, at end insert—

- <() References in subsection (1) to the community are, in relation to a Part 3A community body, references to—
 - (a) where the body is a body mentioned in section 97D(1)(a), the community defined in relation to the body under section 97D(1A)(a), (1B)(a) or (1C)(a), or
 - (b) where the body is a body mentioned in section 97D(1)(b), the community to which the body relates.>

Sarah Boyack

167 In section 48, page 51, line 9, at end insert—

- <() For the purpose of subsection (1)(j), a Part 3A community body is to be regarded as having tried and failed to buy the land if the body provides Ministers with evidence, in a prescribed form, that the body took prescribed actions in trying to buy the land.>

Aileen McLeod

88 In section 48, page 51, line 29, leave out from second <the> to end of line 31 and insert—

- <() the number of persons eligible to vote in the ballot,
 - () the number who did vote, and
 - ()>

Aileen McLeod

89 In section 48, page 53, line 13, leave out <of the Registers of Scotland>

Aileen McLeod

90 In section 48, page 53, line 34, leave out <or Neglected> and insert <, Neglected or Detrimental>

Aileen McLeod

91 In section 48, page 58, line 39, at end insert—

- <(6) Where either of the parties refers a question to the Lands Tribunal as mentioned in subsection (5), the party so referring the question must, within 7 days of the date of referring it, notify Ministers in writing of—
 - (a) the referral of the question, and

- (b) the date of referring the question.
- (7) The Lands Tribunal must send a copy of its findings on a question referred to it under subsection (5) to Ministers.
- (8) Failure to comply with subsection (6) or (7) has no effect on—
 - (a) the Part 3A community body’s right to buy the land, or
 - (b) the validity of the referral of the question under subsection (5).
- (9) The duty in subsection (6) does not apply where the party referring the question mentioned in that subsection is Ministers.>

Aileen McLeod

92 In section 48, page 60, line 28, leave out <or Neglected> and insert <, Neglected or Detrimental>

Aileen McLeod

93 In section 48, page 61, line 23, at end insert—

- <(5C) Where the owner of the land or the Part 3A community body appeals under this section, the owner or, as the case may be, Part 3A community body must, within 7 days of the date on which the appeal is made, notify Ministers in writing of—
 - (a) the making of the appeal, and
 - (b) the date of the making of the appeal.
- (5D) The Lands Tribunal must send a copy of the written statement of reasons issued under subsection (5) to Ministers.
- (5E) Failure to comply with subsection (5C) or (5D) has no effect on—
 - (a) the Part 3A community body’s right to buy the land, or
 - (b) the validity of the appeal under this section.>

Aileen McLeod

94 In section 48, page 62, line 14, at end insert—

- <(5) Where a person mentioned in any of paragraphs (b) to (e) of subsection (1) refers a question to the Lands Tribunal as mentioned in that subsection, the person so referring the question must, within 7 days of the date of referring it, notify Ministers of—
 - (a) the referral of the question, and
 - (b) the date of referring the question.
- (6) Failure to comply with subsection (3)(a) or (5) has no effect on—
 - (a) the validity of the application under section 97G by the Part 3A community body,
 - (b) the Part 3A community body’s right to buy the land, or
 - (c) the validity of the referral of the question under subsection (1).>

After section 48

Aileen McLeod

95 After section 48, insert—

<Mediation

Mediation in relation to rights under Parts 2, 3 and 3A

Before section 98 of the 2003 Act, insert—

“97Z1 Mediation

- (1) Subsection (2) applies where—
 - (a) a community body seeks to—
 - (i) register an interest in land under Part 2, or
 - (ii) exercise its right to buy land under that Part,
 - (b) a crofting community body seeks to exercise its right to buy—
 - (i) land under Part 3,
 - (ii) the interest of a tenant under section 69A, or
 - (iii) eligible sporting interests under section 70, or
 - (c) a Part 3A community body seeks to exercise its right to buy land under Part 3A.
- (2) Ministers may, on being requested to do so by a person mentioned in paragraph (a), (b), (c), (d), (e), (f) or (as the case may be) (g) of subsection (3), take such steps as they consider appropriate for the purpose of arranging, or facilitating the arrangement of, mediation in relation to the proposed—
 - (a) registration of the interest in land under Part 2, or
 - (b) exercise of the right to buy the land, tenant’s interest, or (as the case may be) eligible sporting interests.
- (3) The persons are—
 - (a) the owner of the land,
 - (b) any creditor in a standard security over the land or any part of it with a right to sell the land or any part of it,
 - (c) the community body,
 - (d) the crofting community body,
 - (e) the Part 3A community body,
 - (f) the tenant in relation to whose interest the crofting community body seeks to exercise its right to buy,
 - (g) the owner of the eligible sporting interests in relation to which the crofting community body seeks to exercise its right to buy.
- (4) The steps mentioned in subsection (2) include—
 - (a) appointing a mediator,
 - (b) making payments to mediators in respect of services provided,

- (c) reimbursing reasonable expenses of mediators.
- (5) In subsection (3)(b), the reference to a creditor in a standard security over the land or any part of it with a right to sell the land or any part of it is a reference to a creditor who has such a right under—
 - (a) section 20(2) or 23(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970, or
 - (b) a warrant granted under section 24(1) of that Act.”.>

Section 56

Marco Biagi

- 96** In section 56, page 68, line 13, leave out subsection (6A) and insert—
- <(6A) The community transfer body may appeal to the Scottish Ministers under section (*No concluded contract: appeals*) (except in a case where the relevant authority is the Scottish Ministers).>

Section 57

Marco Biagi

- 97** In section 57, page 68, line 31, leave out from <a> to end of line 32 and insert <an asset transfer request is made by a community transfer body to a relevant authority.>

Marco Biagi

- 98** In section 57, page 68, line 36, leave out from <decision> to end of line 8 on page 69 and insert <asset transfer request is made and ending on the day on which the request is disposed of.
- (3A) For the purposes of subsection (3), a request is disposed of—
- (a) if the request is refused by the relevant authority and no appeal under section 58 or 59B, or application for review under section 59 or 59A, is made by the community transfer body within the time limit applicable to the making of such an appeal or review,
 - (b) if the request is refused after—
 - (i) an appeal under section 58 or 59B is determined, or
 - (ii) a review under section 59A is carried out,
 - (c) if—
 - (i) the request is agreed to,
 - (ii) no offer as mentioned in section 56(2) is made within the time limit applicable to the making of such an offer,
 - (iii) no appeal under section 58 is made within the time limit applicable to the making of such an appeal, and
 - (iv) no application for a review under section 59 or 59A is made within the time limit applicable to the making of such an application,
 - (d) if—

- (i) the request is agreed to after an appeal under section 58 or 59B is determined, and
 - (ii) no offer as mentioned in section 58(8) is made within the time limit applicable to the making of such an offer,
 - (e) if—
 - (i) the request is agreed to after a review under section 59 is carried out,
 - (ii) no offer as mentioned in section 56(2) is made within the time limit applicable to the making of such an offer, and
 - (iii) no appeal under section 59B is made within the time limit applicable to the making of such an appeal,
 - (f) if—
 - (i) the request is agreed to after a review under section 59A is carried out, and
 - (ii) no offer as mentioned in section 56(2) is made within the time limit applicable to the making of such an offer, or
 - (g) if—
 - (i) the request is agreed to (including after an appeal under section 58 or 59B is determined, or a review under section 59 or 59A is carried out),
 - (ii) an offer as mentioned in section 56(2) or 58(8) is made within the time limit applicable to the making of such an offer, and
 - (iii) subsection (3B), (3C), (3D) or (3E) applies.
- (3B) This subsection applies where, before the expiry of the period mentioned in paragraph (a) or (where applicable) paragraph (b) of subsection (7) of section 56, a contract is concluded on the basis of an offer as mentioned in subsection (2) of that section or in section 58(8).
- (3C) This subsection applies where—
- (a) the period mentioned in paragraph (a) or (where applicable) paragraph (b) of subsection (7) of section 56 expires,
 - (b) no contract is concluded on the basis of an offer as mentioned in subsection (2) of that section or in section 58(8), and
 - (c) an appeal under section 56(6A)—
 - (i) is not made within the time limit applicable to the making of such an appeal, or
 - (ii) is timeously made but dismissed.
- (3D) This subsection applies where—
- (a) the relevant authority to whom the request is made is the Scottish Ministers,
 - (b) the period mentioned in paragraph (a) or (where applicable) paragraph (b) of subsection (7) of section 56 expires, and
 - (c) no contract is concluded on the basis of an offer as mentioned in subsection (2) of that section or in section 58(8).
- (3E) This subsection applies where—

- (a) the period mentioned in paragraph (a) or (where applicable) paragraph (b) of subsection (7) of section 56 expires,
- (b) no contract is concluded on the basis of an offer as mentioned in subsection (2) of that section or in section 58(8),
- (c) an appeal under section 56(6A) is allowed, and
- (d) a condition mentioned in any of paragraphs (a) to (f) of subsection (3F) is satisfied.

(3F) The conditions are—

- (a) no offer as mentioned in subsection (4) of section (*No concluded contract: appeals*) is submitted within the period specified in the appeal decision notice under subsection (3) of that section relating to the appeal,
- (b) such an offer is submitted within that period and a contract is concluded on the basis of the offer—
 - (i) before the expiry of the period of 28 days beginning on the day on which the offer is submitted, or
 - (ii) within such period as is specified in a direction under subsection (5) of that section (including such period as extended under subsection (6) of that section),
- (c) no application under subsection (5) of that section is made within the time limit applicable to the making of such applications,
- (d) such an application is refused,
- (e) following the giving of a direction under subsection (5) of section (*No concluded contract: appeals*) in relation to an offer as mentioned in subsection (4) of that section—
 - (i) the offer is withdrawn, or
 - (ii) the community transfer body and the relevant authority conclude a contract on terms and conditions different from those in the offer,
- (f) the relevant authority is deemed, under subsection (7) of that section, to have accepted such an offer and have concluded a contract with the community transfer body.

(3G) A reference in this section to—

- (a) subsection (2), (6A) or (7) of section 56 includes a reference to those subsections as applied—
 - (i) by sections 58(10), 59(9) and 59A(9), and
 - (ii) by virtue of section 59C(2),
- (b) section 58 includes a reference to that section as applied by section 59B(3),
- (c) section 59 includes a reference to that section as applied by subsection (2) of, and modified in such application by virtue of subsection (4) of, section 59C).>

Marco Biagi

99 In section 57, page 69, line 12, at end insert—

- <() Subsection (2) does not apply where, before the date on which the asset transfer request referred to in that subsection is made, the relevant authority or a person acting on behalf of the authority—
- (a) has, in relation to the land to which the request relates, advertised or otherwise exposed the land for sale or lease,
 - (b) has, in relation to the land, entered into negotiations with another person with a view to transferring or leasing the land, or
 - (c) proceeds further with a proposed transfer or lease of the land which was initiated before the date on which the asset transfer request is made.
- () The Scottish Ministers may direct that subsection (2) does not apply to such land to which an asset transfer request relates as may be specified in the direction.>

Section 59

Marco Biagi

13 In section 59, page 72, line 12, at end insert—

<(6C) In subsection (6B), the reference to section 59(2) of the Community Empowerment (Scotland) Act 2015 includes a reference to that section as applied by subsection (2) of, and modified in such application by virtue of subsection (4) of, section 59C of that Act.”.>

Section 59B

Marco Biagi

14 In section 59B, page 73, line 37, at end insert—

<() In subsection (1), references to section 59 include references to the provisions of that section as applied by subsection (2) of, and modified in such application by virtue of subsection (4) of, section 59C.>

Section 59C

Marco Biagi

15 In section 59C, page 74, line 9, at end insert <(and, for the purposes of that application, references in that section to any of those subsections are to be read as references to those subsections as so applied and modified in such application by virtue of subsection (4)).>

After section 59C

Marco Biagi

100 After section 59C, insert—

<No concluded contract: appeals

(1) Subsections (2) to (11) apply where—

- (a) no contract is concluded as mentioned in subsection (5) of section 56 between a relevant authority and a community transfer body, and
 - (b) the community transfer body appeals under subsection (6A) of that section.
- (2) The Scottish Ministers may allow or dismiss the appeal.
- (3) If the Scottish Ministers allow the appeal, they must issue a notice (an “appeal decision notice”) that specifies—
 - (a) sufficient and precise details of the terms and conditions of an offer which may be made by the community transfer body to the relevant authority in relation to the asset transfer request made by the body, and
 - (b) the period within which any such offer is to be submitted.
- (4) Subsection (5) applies where—
 - (a) the community transfer body submits an offer to the relevant authority containing all and only those terms and conditions the details of which are specified in the appeal decision notice,
 - (b) the offer is submitted within the period so specified,
 - (c) no contract is concluded on the basis of the offer before the end of the period of 28 days beginning with the day on which the offer is submitted, and
 - (d) the offer is not withdrawn before the expiry of that 28 day period.
- (5) The Scottish Ministers may, on an application made by the community transfer body, give the relevant authority a direction requiring the authority to conclude a contract with the community transfer body on the terms and conditions the details of which are specified in the appeal decision notice within such period as may be specified in the direction.
- (6) The Scottish Ministers may, on more than one occasion, extend the period mentioned in subsection (5) (including that period as extended by a direction given under this subsection) by giving a further direction to the relevant authority.
- (7) Where a direction under subsection (5) is given to a relevant authority, and the authority does not within the period specified in the direction (or that period as extended under subsection (6)) conclude the contract as mentioned in subsection (5), the authority is deemed to have accepted the offer and accordingly to have concluded a contract with the community transfer body.
- (8) Subsection (7) does not apply where—
 - (a) the community transfer body and the relevant authority have entered into a contract on terms and conditions different from those the details of which are specified in the appeal decision notice, or
 - (b) the offer is withdrawn before the end of the period specified in the direction (or that period as extended by a direction under subsection (6)).
- (9) The asset transfer request in relation to which an appeal mentioned in subsection (1) is made is to be treated, for the purposes of this Part (other than section 61), as if it had not been made if the appeal is allowed but—
 - (a) the community transfer body does not submit an offer as mentioned in subsection (4)(a),
 - (b) the community transfer body does not submit such an offer within the period specified in the appeal decision notice,

- (c) the community transfer body has not, before the expiry of any time limit for making applications under subsection (5) by virtue of regulations under subsection (14), applied for a direction under subsection (5), or
 - (d) any application for such a direction is refused.
- (10) Where the appeal is dismissed by the Scottish Ministers, the decision to agree to the asset transfer request in relation to which the appeal is made is of no effect (but that is not to be taken to mean that the asset transfer request is to be treated as having been refused for the purposes of any appeal or review under this Part).
- (11) In subsection (1), references to any subsections of section 56 include references to those subsections as applied—
- (a) by sections 58(10), 59(9) and 59A(9), and
 - (b) by virtue of section 59B(3).
- (12) The Scottish Ministers may by regulations make provision about appeals under section 56(6A) including, in particular, provision in relation to—
- (a) the procedure to be followed in connection with appeals,
 - (b) the appointment of such persons, or persons of such description, as may be specified in the regulations for purposes connected with appeals,
 - (c) the functions of persons mentioned in paragraph (b) in relation to appeals (including a function of reporting to the Scottish Ministers),
 - (d) the manner in which appeals are to be conducted, and
 - (e) the time limits within which appeals must be brought.
- (13) The provision that may be made by virtue of subsection (12) includes provision that—
- (a) the manner in which a person appointed by virtue of paragraph (b) of that subsection carries out the person's functions in relation to an appeal, or any stage of an appeal, is to be at the discretion of the person,
 - (b) the manner in which an appeal, or any stage of an appeal, is to be carried out by the Scottish Ministers is to be at the discretion of the Scottish Ministers.
- (14) The Scottish Ministers may by regulations make provision about applications under subsection (5) including, in particular, provision in relation to—
- (a) the form of, and procedure for making, such applications,
 - (b) the time limits within which such applications must be brought.>

Marco Biagi

16 After section 59C, insert—

<Effect of offers on appeals and reviews

- (1) Subsection (2) applies where—
- (a) a community transfer body makes an asset transfer request to a relevant authority,
 - (b) the relevant authority agrees to the request as mentioned in section 58(1)(b), 59(1)(b)(ii), 59A(1)(b)(ii) or 59B(1)(b),
 - (c) the community transfer body makes an offer as mentioned in section 56(2), and
 - (d) the offer has not been withdrawn.

- (2) The community transfer body may not—
 - (a) make an appeal under section 58 or 59B, or
 - (b) apply for a review under section 59 or 59A.
- (3) Where an offer as mentioned in section 56(2) is made by a community transfer body after the body has made an appeal, or applied for a review, as mentioned in subsection (2), the appeal or (as the case may be) application for review is to be treated as having been withdrawn by the body.
- (4) A reference in this section to—
 - (a) section 56(2) includes a reference to that section as applied—
 - (i) by section 59(9) and 59A(9), and
 - (ii) by virtue of section 59C(2),
 - (b) section 58 includes a reference to that section as applied by section 59B(3),
 - (c) section 59 includes a reference to that section as applied by subsection (2) of, and modified in such application by virtue of subsection (4) of, section 59C.>

Section 61

Cameron Buchanan

- 172** In section 61, page 75, line 19, leave out <not>

Marco Biagi

- 17** In section 61, page 75, line 21, after <58> insert <(including the provisions of that section as applied by section 59B(3))>

Marco Biagi

- 18** In section 61, page 75, line 22, at end insert <(including the provisions of that section as applied by subsection (2) of, and modified in such application by virtue of subsection (4) of, section 59C) or section 59A.>

Section 61B

Marco Biagi

- 19** In section 61B, page 77, line 2, at end insert—
 <() An asset transfer report is to be published under subsection (1) no later than 30 June following the end of the reporting year to which it relates.>

Marco Biagi

- 20** In section 61B, page 77, line 3, at end insert—
 <() A reference in this section to—
 (a) section 58 includes a reference to that section as applied by section 59B(3),

- (b) section 59 includes a reference to that section as applied by subsection (2) of, and modified in such application by virtue of subsection (4) of, section 59C.>

After section 62A

Jamie Hepburn

174 After section 62A, insert—

<PART

FOOTBALL CLUBS

Facilitation of supporter involvement in football clubs

- 5 (1) The Scottish Ministers may by regulations make provision—
- (a) to facilitate the involvement of the supporters of a football club in decisions affecting the management, operation or governance of the club (see section (*Supporter involvement in decision-making*)),
 - 10 (b) to facilitate supporter ownership of football clubs (for example by conferring a right to buy, see section (*Supporter ownership*)).
- (2) Regulations under this section may provide for the creation of rights or interests, or the imposition of liabilities or conditions, in relation to property (or an interest in property) of any description.
- (3) Before making regulations under this section, the Scottish Ministers must consult—
- 15 (a) such body or bodies as appear to them to be representative of the interests of football clubs, the leagues in which they play, their players and supporters, and
- (b) such other persons as they consider appropriate.>

Alison Johnstone

174A*As an amendment to amendment 174, line 10, at end insert—

- <() for the making of grants or loans by the Scottish Ministers to the supporters of a football club to facilitate supporters involvement or ownership of a football club.>

Alison Johnstone

174B*As an amendment to amendment 174, line 10, at end insert—

- <() To be involved in the decisions of a football club or to have ownership of a football club within the terms of regulations made under subsection (1), a body or association representing the interests of a supporters must—
- (a) have an open membership,
 - (b) be affordable to join, and
 - (c) operate on the basis of each member of the body or association being allocated one vote and any right to vote on any matter being exercisable by that member.>

Alison Johnstone

174C*As an amendment to amendment 174, line 17, at end insert—

<() Regulations under subsection (1) must be made and brought into force before the date of the first dissolution of the Parliament following the date of Royal Assent.>

Jamie Hepburn

175 After section 62A, insert—

<Supporter involvement in decision-making

Regulations made under section (*Facilitation of supporter involvement in football clubs*)

(1)(a) may, in particular, make provision for or in connection with—

- (a) the types of football club in relation to which the regulations are to apply,
- (b) the steps that a person must take in order to be considered a supporter of a particular football club for the purposes of the regulations,
- (c) the provision of information to supporters about the football club, including details about—
 - (i) how the club makes decisions affecting its management, operation or governance, and
 - (ii) how, and by whom, the club and any property connected with it is owned or held,
- (d) the manner in which the supporters of a football club or a body or association representing the interests of such supporters are to be involved in decisions affecting the management, operation or governance of the club,
- (e) the kinds of decisions affecting the management, operation or governance of a football club in respect of which the supporters of the club are to be involved,
- (f) the consequences for a football club, or a person responsible for its management, operation or governance, of taking a decision affecting the management, operation or governance of the club (or otherwise acting) without involving the supporters of the club.>

Jamie Hepburn

176 After section 62A, insert—

<Supporter ownership

Regulations made under section (*Facilitation of supporter involvement in football clubs*)

(1)(b) may, in particular, make provision for or in connection with—

- 5 (a) the types of football club in relation to which the regulations are to apply,
- (b) the things which the regulations may facilitate ownership of, including, in particular—
 - (i) any entity which owns, operates or controls a football club,
 - (ii) a shareholding or other interest in such an entity,
 - 10 (iii) any asset (including any right or liability) of the football club or such an entity,
- (c) the valuation of anything mentioned in paragraph (b),
- (d) the circumstances which must exist, or conditions which must be satisfied, before any rights conferred under the regulations may be exercised,

- 15 (e) the steps that must be taken by supporters, or a body or association representing the interests of supporters, to exercise any rights conferred by the regulations,
- (f) the provision of information to supporters about the football club, including details about how, and by whom, the club and any property connected with it is owned or held,
- 20 (g) requiring, restricting or preventing the sale or transfer of anything which is, or may become, subject to the rights conferred by the regulations,
- (h) the consequences of selling or transferring anything which is, or may become, subject to the rights conferred by the regulations otherwise than in accordance with the regulations (including, in particular, reducing such a sale or transfer),
- 25 (i) the rights of creditors of the football club and other persons with an interest in the club,
- (j) the resolution of disputes in connection with any rights conferred under the regulations,
- (k) appeals in connection with any rights conferred under the regulations,
- 30 (l) the circumstances in which any right conferred under the regulations is or may be extinguished.>

Alison Johnstone

176A*As an amendment to amendment 176, line 29, at end insert <(including a right of appeal for the entity which owns, operates or controls a football club),>

Section 62B

Jamie Hepburn

177 Leave out section 62B

Section 62C

Jamie Hepburn

178 Leave out section 62C

Section 62D

Jamie Hepburn

179 Leave out section 62D

Section 62E

Nigel Don (on behalf of the Delegated Powers and Law Reform Committee)

180 In section 62E, page 79, line 15, after <may> insert <by regulations>

Jamie Hepburn

181 Leave out section 62E

Section 62F

Nigel Don (on behalf of the Delegated Powers and Law Reform Committee)

182 In section 62F, page 79, line 25, leave out from <in> to end of line 26 and insert <—
() in such a form, and
() accompanied by such information,
as the Scottish Ministers may by regulations prescribe.>

Jamie Hepburn

183 Leave out section 62F

Section 62G

Jamie Hepburn

184 Leave out section 62G

Section 62H

Jamie Hepburn

185 Leave out section 62H

Section 62I

Nigel Don (on behalf of the Delegated Powers and Law Reform Committee)

186 In section 62I, page 82, line 20, leave out <are prescribed> and insert <may be prescribed by the Scottish Ministers in regulations>

Jamie Hepburn

187 Leave out section 62I

Section 62J

Jamie Hepburn

188 Leave out section 62J

Section 62K

Nigel Don (on behalf of the Delegated Powers and Law Reform Committee)

- 189** In section 62K, page 82, line 33, leave out <the prescribed form> and insert <such form as the Scottish Ministers may by regulations prescribe>

Jamie Hepburn

- 190** Leave out section 62K

Section 62L

Jamie Hepburn

- 191** Leave out section 62L

Section 62M

Jamie Hepburn

- 192** Leave out section 62M

Section 62N

Jamie Hepburn

- 193** Leave out section 62N

Section 62O

Jamie Hepburn

- 194** Leave out section 62O

Section 62P

Nigel Don (on behalf of the Delegated Powers and Law Reform Committee)

- 195** In section 62P, page 86, line 23, after <may> insert <by regulations>

Jamie Hepburn

- 196** Leave out section 62P

Section 62Q

Jamie Hepburn

- 197** Leave out section 62Q

Section 62R

Jamie Hepburn

- 198 Leave out section 62R

Section 62S

Jamie Hepburn

- 199 Leave out section 62S

Section 68

Aileen McLeod

- 101 In section 68, page 91, line 30, at end insert <and>

Cameron Buchanan

- 200 In section 68, page 91, line 33, leave out from <and> to <profit> in line 34

Aileen McLeod

- 102 In section 68, page 91, line 34, leave out from <, and> to end of line 3 on page 92

Cameron Buchanan

- 202 In section 68, page 92, line 3, at end insert—

<() Land which is an allotment is not to be regarded for the purposes of any enactment as an agricultural holding solely by virtue of the fact that a person makes a profit from selling surplus produce produced on the allotment.>

Section 69A

Aileen McLeod

- 103 Leave out section 69A

Section 70

Aileen McLeod

- 104 In section 70, page 92, line 20, at end insert <, or

() to sublease an allotment from a tenant of the authority.>

Aileen McLeod

- 105 In section 70, page 92, line 23, at end insert—

<() The person making the request must, if the area of the allotment sought is less than 250 square metres, specify the area in the request.>

Aileen McLeod

- 106** In section 70, page 92, line 37, leave out <each local authority> and insert <local authorities>

After section 70

Aileen McLeod

- 107** After section 70, insert—

<Offer to lease allotment

- (1) Subsections (2) and (3) apply where a person specifies an allotment of an area of less than 250 square metres (a “specified area”) in a request to a local authority under section 70(1).
- (2) If the local authority offers to grant a lease of an allotment of the specified area to the person, the request is to be treated as having been agreed to for the purpose of section 71(3)(a)(i).
- (3) If the local authority offers to grant a lease of an allotment that is not of the specified area to the person, the request is to be treated as not having been agreed to for that purpose unless the person accepts the offer.
- (4) Subsections (5) and (6) apply where a person does not specify an allotment of an area of less than 250 square metres in a request to a local authority under section 70(1).
- (5) If the local authority offers to grant a lease of an allotment of an area of approximately 250 square metres to the person, the request is to be treated as having been agreed to for the purpose of section 71(3)(a)(i).
- (6) If the local authority offers to grant a lease of an allotment that is not of an area of approximately 250 square metres to the person, the request is to be treated as not having been agreed to for that purpose unless the person accepts the offer.
- (7) In subsections (2), (3), (5) and (6), references to the local authority offering to grant a lease include references to a tenant of the local authority offering to grant a sublease.>

Section 72

Aileen McLeod

- 108** In section 72, page 93, leave out lines 20 and 21 and insert—

<(b) that a person entered in the list does not remain in the list for a continuous period of more than 5 years.>

Aileen McLeod

- 109** In section 72, page 93, line 31, leave out subsection (3A) and insert—

<(3A) A local authority must, in taking reasonable steps as mentioned in subsection (1), have regard to the desirability of making available allotments that are reasonably close to the residence of persons in the list mentioned in that subsection.>

After section 72

Aileen McLeod

110 After section 72, insert—

<Duty of tenant of allotment site to grant sublease

- (1) Subsection (2) applies where an allotment site is let by a local authority.
- (2) If the local authority requests that the tenant of the allotment site grant a sublease of an unoccupied allotment on the site to a person entered in the list maintained under section 71(1), the tenant must grant such a sublease.>

Section 73

Cameron Buchanan

203 In section 73, page 95, line 8, at end insert—

- <() Regulations under subsection (1) may not include provision prohibiting the sale (whether for a profit or otherwise) of surplus produce.>

Section 75

Aileen McLeod

111 In section 75, page 96, line 34, at end insert <of an area the same as or similar to that of the tenant's allotment>

Section 76

Aileen McLeod

112 In section 76, page 97, line 21, at end insert <of an area the same as or similar to that of the tenant's allotment>

Section 77

Aileen McLeod

113 In section 77, page 98, line 5, leave out <subsection (3)(c)> and insert <paragraph (c) of subsection (3)>

Aileen McLeod

114 In section 77, page 98, line 6, leave out <the types of provision referred to in paragraphs (a) and> and insert <provision of the types of land mentioned in paragraph (a) or>

Section 79

Aileen McLeod

115 In section 79, page 98, line 39, at end insert—

- <() the rent payable for each allotment in the area of the authority,
- () how, in the opinion of the authority, such rents are decided by reference to the method of determining fair rent provided for in regulations under section 73(1),>

Section 82

Aileen McLeod

116 In section 82, page 102, line 4, leave out from <incur> to <of> in line 5 and insert <exercise the power conferred by>

Aileen McLeod

117 In section 82, page 102, line 6, leave out <incurring such expenditure> and insert <promoting allotments, or providing training, as mentioned in that subsection>

Section 82A

Aileen McLeod

118 In section 82A, page 102, line 20, at end insert—

- <() maintained by a person other than the authority and used for or in connection with the delivery of services the provision of which is delegated by the authority to that person, or
- () maintained, and whose use is managed, by a person other than the authority in accordance with arrangements between the authority and that person.>

Section 84

Aileen McLeod

119 In section 84, page 104, line 27, leave out <(2)(b)> and insert <(2)(d)>

Aileen McLeod

120 In section 84, page 104, line 30, after first <of> insert <the whole or part of>

Aileen McLeod

121 In section 84, page 104, line 30, after <on> insert <the whole or part of>

Aileen McLeod

122 In section 84, page 104, line 31, after second <allotment> insert <which is—

- (i) of an area the same as or similar to that of the tenant's allotment, and

(ii)>

Aileen McLeod

123 In section 84, page 104, line 34, leave out <the same or>

Section 86A

Aileen McLeod

124 In section 86A, page 105, line 31, at end insert <of the allotment or, as the case may be, of the allotment site on which the allotment is situated>

Section 87

Cameron Buchanan

213 In section 87, page 106, line 2, leave out <(other than with a view to making a profit)>

Section 89

Aileen McLeod

125 In section 89, page 106, line 20, after first <of> insert <a notice of>

Aileen McLeod

126 In section 89, page 107, line 6, leave out <each local authority> and insert <local authorities>

Section 90

Aileen McLeod

127 In section 90, page 107, line 15, leave out <that leased the allotment to the tenant> and insert <which granted the lease of the allotment or, as the case may be, of the allotment site on which the allotment is situated>

Aileen McLeod

128 In section 90, page 107, line 18, leave out <local authority> and insert <tenant's landlord>

Aileen McLeod

129 In section 90, page 107, line 29, leave out <each local authority> and insert <local authorities>

Section 91

Aileen McLeod

130 In section 91, page 108, line 12, leave out <each local authority> and insert <local authorities>

After section 92

Aileen McLeod

131 After section 92, insert—

<Guidance

Guidance

- (1) A local authority must have regard to any guidance issued by the Scottish Ministers about the carrying out of functions conferred on the authority by this Part.
- (2) Before issuing such guidance, the Scottish Ministers must consult—
 - (a) local authorities, and
 - (b) any other person appearing to the Scottish Ministers to have an interest.>

Section 93

Aileen McLeod

132 In section 93, page 108, line 30, leave out second <disabled> and insert <a disabled person>

Section 94

Marco Biagi

21 In section 94, page 110, line 25, leave out <expenditure,> and insert <expenditure and>

Section 95

Marco Biagi

22 In section 95, page 111, line 5, leave out <or Part 6> and insert <, Part 3, Part 5, Part 6, Part 7 or Part 7A>

Section 96

Jamie Hepburn

215 In section 96, page 111, line 17, after <12(1)> insert <, (*Facilitation of supporter involvement in football clubs*)(1)>

Marco Biagi

133 In section 96, page 111, leave out line 21

Schedule 3

Marco Biagi

23 In schedule 3, page 114, line 26, leave out <Court> and insert <Courts and Tribunals>

Schedule 4

Aileen McLeod

134 In schedule 4, page 116, line 18, at end insert—

<() in section 73 (appropriation of land)—

- (i) in subsection (2), the word “not” is repealed,
- (ii) in that subsection, for “except with the consent of the Secretary of State” substitute “subject to sections 75 and 76 of the Community Empowerment (Scotland) Act 2015”, and
- (ii) in subsection (3), after “allotments” insert “(within the meaning of section 68 of that Act)”,>

Aileen McLeod

135 In schedule 4, page 117, line 40, at end insert—

<() In section 68 (land which may be bought: eligible croft land), in subsection (5), for “the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c.26)” substitute “section 69(1) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003”.>

Aileen McLeod

136 In schedule 4, page 118, line 2, at end insert—

<() after “33,” insert “35(4),”>

Aileen McLeod

137 In schedule 4, page 118, line 5, leave out <97D(4A)> and insert <97D(1)(b), (4A)>

Aileen McLeod

138 In schedule 4, page 118, line 6, after <97F(6)> insert <, 97H(6)>

Aileen McLeod

139 In schedule 4, page 118, line 8, leave out <any decision under Part 2, 3 or 3A> and insert <a decision under section 38(1), 44(3), 51(1)(b), 73(2) or 97G(2)>

Aileen McLeod

140 In schedule 4, page 118, line 8, leave out <regards> and insert <regard>

Aileen McLeod

141 In schedule 4, page 118, line 10, leave out <to> and insert <for>

Aileen McLeod

142 In schedule 4, page 118, line 11, after <1966)> insert <subject to—

- () any amendments in force in relation to the United Kingdom for the time being, and
- () any reservations, objections or interpretative declarations by the United Kingdom for the time being in force>

Aileen McLeod

- 143** In schedule 4, page 118, line 12, leave out from beginning to <acquisition.> in line 17

Aileen McLeod

- 144** In schedule 4, page 118, leave out lines 19 to 29

Marco Biagi

- 24** In schedule 4, page 118, line 38, at end insert—

<Schools (Consultation) (Scotland) Act 2010

In the Schools (Consultation) (Scotland) Act 2010, in schedule 2 (relevant consultees)—

- (a) for sub-paragraph (h) of each of paragraphs 1, 2, 3, 4 and 5 substitute—

“(h) the community planning partnership (within the meaning of section 4(4) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which any affected school is situated,

(ha) any other community planning partnership that the education authority considers relevant,” and

- (b) for sub-paragraph (h) of paragraph 10 substitute—

“(h) the community planning partnership (within the meaning of section 4(4) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which the further education centre is situated.”.

Public Services Reform (Scotland) Act 2010

In section 115 of the Public Services Reform (Scotland) Act 2010 (joint inspections), in subsection (12), for the words from “means” to the end of the subsection substitute “is to be construed in accordance with section 7 of the Children and Young People (Scotland) Act 2014.”.>

Schedule 5

Aileen McLeod

- 145** In schedule 5, page 119, line 25, leave out <Section 73(2) and (3).>

Long Title

Aileen McLeod

- 146** In the long title, page 1, line 4, leave out <or neglected> and insert <, neglected or detrimental>

Marco Biagi

- 25 In the long title, page 1, line 4, after <land;> insert <to amend section 7C of the Forestry Act 1967;>

Jamie Hepburn

- 217 In the long title, page 1, line 4, after <land;> insert <to enable the Scottish Ministers to make provision about supporters' involvement in and ownership of football clubs;>

Marco Biagi

- 26 In the long title, page 1, line 5, after <allotments;> insert <to enable participation in decision-making by specified persons having public functions;>

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ISBN 978-1-78568-875-1
