



Community Empowerment (Scotland) Act 2015

2015 asp 6

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 17th June 2015 and received Royal Assent on 24th July 2015

An Act of the Scottish Parliament to make provision about national outcomes; to confer functions on certain persons in relation to services provided by, and assets of, certain public bodies; to amend Parts 2 and 3 of the Land Reform (Scotland) Act 2003; to enable certain bodies to buy abandoned, neglected or detrimental land; to amend section 7C of the Forestry Act 1967; to enable the Scottish Ministers to make provision about supporters' involvement in and ownership of football clubs; to make provision for registers of common good property and about disposal and use of such property; to restate and amend the law on allotments; to enable participation in decision-making by specified persons having public functions; to enable local authorities to reduce or remit non-domestic rates; and for connected purposes.

PART 1

NATIONAL OUTCOMES

1 National outcomes

- (1) The Scottish Ministers must determine outcomes for Scotland (referred to in this Part as “the national outcomes”) that result from, or are contributed to by, the carrying out, by the persons mentioned in subsection (2), of the functions mentioned in subsection (3).
- (2) The persons are—
 - (a) a cross-border public authority,
 - (b) any other Scottish public authority,
 - (c) any other person carrying out functions of a public nature.
- (3) The functions are—
 - (a) in the case of a cross-border public authority, any function that is exercisable in or as regards Scotland and does not relate to reserved matters,

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- (b) in the case of any other Scottish public authority, any function that does not relate to reserved matters,
 - (c) in the case of any other person carrying out functions of a public nature, any such function that is exercisable in or as regards Scotland and does not relate to reserved matters.
- (4) In determining the national outcomes, the Scottish Ministers must have regard to the reduction of inequalities of outcome which result from socio-economic disadvantage.
- (5) Before determining the national outcomes, the Scottish Ministers must—
 - (a) consult—
 - (i) such persons who appear to them to represent the interests of communities in Scotland, and
 - (ii) such other persons as they consider appropriate,
 - (b) having consulted the persons mentioned in paragraph (a), prepare draft national outcomes, and
 - (c) consult the Scottish Parliament on the draft national outcomes during the consultation period.
- (6) In consulting the Scottish Parliament under paragraph (c) of subsection (5), 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.
- (7) The Scottish Ministers must, no earlier than the expiry of the consultation period, publish the national outcomes.
- (8) In subsections (5) and (7), “consultation period” means the period of 40 days beginning with the day on which the consultation mentioned in subsection (5)(c) commences; and in calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.
- (9) The persons mentioned in subsection (2) must have regard to the national outcomes in carrying out the functions mentioned in subsection (3).
- (10) Nothing in subsection (9) requires the Scottish Parliament or the Scottish Parliamentary Corporate Body to have regard to the national outcomes in carrying out any of their functions.
- (11) In this section—
 - “community” includes any community based on common interest, identity or geography,
 - “cross-border public authority” has the meaning given by section 88(5) of the Scotland Act 1998,
 - “reserved matters” is to be construed in accordance with that Act.

Commencement Information

II S. 1 in force at 15.4.2016 by S.S.I. 2015/399, art. 2, Sch. (with art. 3)

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2 Review of national outcomes

- (1) The Scottish Ministers may review the national outcomes at any time (but subject to subsections (2) and (3)).
- (2) The Scottish Ministers must begin a review of the national outcomes before the expiry of the period of 5 years beginning with the date on which the national outcomes were published under section 1(7).
- (3) The Scottish Ministers must begin further reviews of the national outcomes before the expiry of each 5 year period.
- (4) In carrying out a review of the national outcomes under subsection (1), (2) or (3), the Scottish Ministers must consult—
 - (a) such persons who appear to them to represent the interests of communities in Scotland, and
 - (b) such other persons as they consider appropriate.
- (5) Following a review, the Scottish Ministers—
 - (a) may propose revisions to the national outcomes,
 - (b) must—
 - (i) where they propose to make revisions to the national outcomes, consult the Scottish Parliament on the proposed revisions during the consultation period,
 - (ii) where they do not propose to make revisions to the national outcomes, consult the Scottish Parliament during the consultation period on the national outcomes as most recently published under section 1(7) or paragraph (d)(i) or republished under paragraph (d)(ii),
 - (c) may revise the national outcomes after the expiry of the consultation period, and
 - (d) must—
 - (i) where the national outcomes are revised, publish the outcomes as revised,
 - (ii) where the national outcomes are not revised, republish the outcomes after the expiry of the consultation period.
- (6) In consulting the Scottish Parliament under subsection (5)(b), the Scottish Ministers must also lay before the Parliament a document describing—
 - (a) the consultation carried out under subsection (4),
 - (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.
- (7) References to the national outcomes in section 1(9) and in section 3 include references to the national outcomes revised under subsection (5)(c) of this section.
- (8) In subsection (3), “5 year period” means the period of 5 years beginning with the date on which the national outcomes were published under sub-paragraph (i) of paragraph (d) of subsection (5) or, as the case may be, republished under sub-paragraph (ii) of that paragraph.
- (9) In subsection (4), “community” includes any community based on common interest, identity or geography.

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- (10) In subsection (5), “consultation period” means the period of 40 days beginning with the day on which the consultation mentioned in subsection (5)(b)(i) or (ii) commences; and in calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.

Commencement Information

I2 [S. 2](#) in force at 15.4.2016 by [S.S.I. 2015/399](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

3 Reports

- (1) The Scottish Ministers must prepare and publish reports about the extent to which the national outcomes have been achieved.
- (2) The Scottish Ministers must include in reports published under subsection (1) information about any change in the extent to which the national outcomes have been achieved since the publication of the previous report under that subsection.
- (3) Reports must be prepared and published at such times as the Scottish Ministers consider appropriate.

Commencement Information

I3 [S. 3](#) in force at 15.4.2016 by [S.S.I. 2015/399](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

PART 2

COMMUNITY PLANNING

4 Community planning

- (1) Each local authority and the persons listed in schedule 1 must carry out planning for the area of the local authority for the purpose mentioned in subsection (2) (“community planning”).
- (2) The purpose is improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1.
- (3) In carrying out community planning, the local authority and the persons listed in schedule 1 must—
 - (a) participate with each other, and
 - (b) participate with any community body (as mentioned in paragraph (c) of subsection (6)) in such a way as to enable that body to participate in community planning to the extent mentioned in that paragraph.
- (4) Outcomes of the type mentioned in subsection (2) (“local outcomes”) must be consistent with the national outcomes determined under section 1(1) or revised under section 2(5)(c).

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- (5) In carrying out the functions conferred on them by this Part in relation to the area of a local authority—
- (a) the local authority for the area and the persons listed in schedule 1 are collectively referred to in this Part as a “community planning partnership”, and
 - (b) the authority and each such person is referred to in this Part as a “community planning partner”.
- (6) Each community planning partnership must—
- (a) consider which community bodies are likely to be able to contribute to community planning having regard in particular to which of those bodies represent the interests of persons who experience inequalities of outcome which result from socio-economic disadvantage,
 - (b) make all reasonable efforts to secure the participation of those community bodies in community planning, and
 - (c) to the extent (if any) that those community bodies wish to participate in community planning, take such steps as are reasonable to enable the community bodies to participate in community planning to that extent.
- (7) The Scottish Ministers may by regulations modify schedule 1 so as to—
- (a) add a person or a description of person,
 - (b) remove an entry listed in it,
 - (c) amend an entry listed in it.
- (8) Regulations under subsection (7) may provide that a person or a description of person listed in schedule 1 is to participate in community planning for a specific purpose.
- (9) In this section, “community bodies”, in relation to a community planning partnership, means bodies, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) resident or otherwise present in the area of the local authority for which the community planning partnership is carrying out community planning.

Commencement Information

I4 [S. 4](#) in force at 20.12.2016 by [S.S.I. 2016/363](#), [art. 2](#)

5 Socio-economic inequalities

In carrying out functions conferred by this Part, a community planning partnership must act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers that it would be inappropriate to do so.

Commencement Information

I5 [S. 5](#) in force at 20.12.2016 by [S.S.I. 2016/363](#), [art. 2](#)