

# COMMUNITY ASSET TRANSFER APPEAL TO SCOTTISH MINISTERS



UNDER SECTIONS 85-91 OF THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015  
THE ASSET TRANSFER REQUEST (APPEALS) (SCOTLAND) REGULATIONS 2016

**IMPORTANT: Please read and follow the notes provided when completing this form**  
- failure to supply all relevant information could invalidate your appeal  
Use **BLOCK CAPITALS** if completing in manuscript

<b>Community Transfer Body</b>
Name
Address
Postcode
Contact Tel No 1
Contact Tel No 2
Fax No
E-mail

<b>Agent (if any, please note professional representation is not mandatory)</b>
Name
Address
Postcode
Contact Tel No 1
Contact Tel No 2
Fax No
E-mail
Mark this box to confirm all contact should be through this representative

\*Do you agree to all correspondence regarding your appeal being sent **by e-mail**? Yes      No

Relevant Authority Office	
Asset Address	
Description of Asset (e.g. size in hectares, if known)	
Date of Application	Date of Review
Date of Relevant Authority's decision	Date of Review Decision

<b>Appeal Against:</b>	
Refusal of application	Conditions imposed on grant of application
Failure to reach a decision within required/agreed timescale	

## STATEMENT OF APPEAL

You must state, in full, why you are appealing against the relevant authority's decision. Your statement must set out all matters you consider require to be taken into account in determining your appeal.

**Note:** you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account. You will be entitled to comment on (i) any additional matter which may be raised by the relevant authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

State the reasons for your appeal and all matters you wish to raise here. (If necessary, this can be continued or provided in full on a separate document.)

### List of documents/evidence

At the same time as sending the notice of appeal to the Scottish Ministers, it is required for you to notify the relevant authority of your appeal. This must be accompanied by a list of all the documents and evidence you submitted to the Scottish Ministers. You must also give the relevant authority copies of anything submitted to the Scottish Ministers that the relevant authority does not already have. Please provide a copy of this list below (if necessary this can be continued or provided in full on a separate document).

To help us process your appeal quickly and for ease of reference you may wish to give each document a descriptive name and number in relation to this list. For example: 'Document 01 – email exchange between XXXX and XXXX dated DD MONTH YYYY'

**APPEAL PROCEDURE**

The person appointed to determine your appeal will decide the procedure to be used. In general, a decision will be made based on your appeal documents and the relevant authority's response. In some cases the appointed person may require further procedures to gain more information on specific matters before reaching a decision. You must indicate what procedure you think is most appropriate for the handling of your appeal.

**Note:** If you select Option 1 you should not select any further options  
You may select any combination of Options 2 to 4 if you wish

- 1. Review of all relevant information provided by yourself and other parties only, with no further procedure
- 2. Inspection of land subject of the appeal
- 3. Further written submissions on specific matters
- 4. Holding one or more hearing sessions (i.e. round table discussions) on specific matters

If boxes 3 or 4 are checked, please explain below which of the matters (as set out in your statement above) you think should be subject to that procedure, and why. (Use additional pages if necessary.)

**SITE INSPECTION**

In the event that the Scottish Government Reporter appointed to consider your appeal decided to inspect the appeal site, in your opinion:

Can the site be viewed entirely from public land?	Yes	No
Is it possible for the site to be accessed safely, and without barriers to entry?	Yes	No
Are there any biosecurity issues that affect the site?	Yes	No

If there are any reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here:

## CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents/evidence relevant to your appeal:

Full completion of all parts of this form

Full statement of appeal

All documents, materials and evidence you intend to rely on

A copy of the original community asset transfer request

Copies of all related documents submitted with the original community asset transfer request

Decision notice from the relevant authority (if applicable)

**Maps/Plans** copies of the maps or plans must be at suitable scale to ensure they are easy to interpret. It is not possible for electronic plans and maps to be scale and you should also provide these in hard copy.

**Where your appeal is progressed to DPEA you should note that they routinely publish all documents relating to each appeal on their website at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk). You must advise the Community Empowerment Team if there are particular reasons why you think any document you have provided cannot be published by DPEA.**

## DECLARATION

**I appeal to the Scottish Ministers as set out on this form and supporting documents.**

Signed

Date

Role

If you take part in the appeals process, use the Community Empowerment Team or DPEA websites, contact either the agency or division, or attend a webcast, the Community Empowerment Team and DPEA may collect certain information about you. To find out more about what information is collected and how the information is used and managed please read the privacy notice found on the [DPEA](#) website.

This form and all supporting documents should be sent to:

E-mail: [Community.Empowerment@gov.scot](mailto:Community.Empowerment@gov.scot)

Post: Community Empowerment Scottish Government  
3-F North: Victoria Quay  
Edinburgh  
EH6 6QQ

Twitter: [@commempower](https://twitter.com/commempower)