

**COMMUNITY ASSET TRANSFER**

**ASSET TRANSFER REQUEST under Part 5 of the Community Empowerment (Scotland) Act 2015 (FORM C)**

**IMPORTANT NOTES**

All community bodies intending to make an asset transfer request to Moray Council are encouraged to take advantage of our pre-application service before making a request for the transfer of an asset. This can help improve outcomes and ensure that your request is processed through the most appropriate route. Details of the pre-application service are available from the Council’s Asset Transfer Team by telephone on 01343 543451 or by email via [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk).

Eligible Community Transfer Bodies have a right to make an asset transfer request under Part 5 of the Community Empowerment (Scotland) Act 2015. Those wishing to make a request under the Act should follow the guidance prepared by the Scottish Government. You can find this on the Scottish Government website at <http://www.gov.scot/policies/community-empowerment/asset-transfer/>.

There is no legal requirement that all requests must go through the process set out in the legislation where both parties are otherwise able to reach agreement. If you are in any doubt about which route to follow then please discuss this with a member of the Asset Transfer Team before making your request. If you are ready to proceed and wish to make your request under Part 5 of the Act, then please complete and submit this form. **If you do not intend to make your request under the Act then please complete Form B.** All forms are available from the Asset Transfer Team.

Please complete all sections of the form as fully as possible (if a question is not applicable please mark with N/A) and, where possible, submit the form electronically to [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk).

This form and ALL supporting documents will be made available online for any interested person to read and comment on. Personal information will be blacked out before this form and its accompanying submissions are published.

**Office Use only:**

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| Reference: |  |
| Date Received: |  |
| Date Acknowledged: |  |
| Validation Date: |  |

**Section A:**

**Information about the organisation making the request**

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| 1. **Organisation Details** | |
| **Name** |  |
| **Registered address** |  |
| **Postcode** |  |

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| 1. **Contact Information** | |
| **Contact name** |  |
| **Position in organisation** |  |
| **Postal address  (inc postcode)**  *If different from above* |  |
| **Contact telephone no.** |  |
| **Contact email address** |  |

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| **We agree that correspondence in relation to this request may be sent by email to the address given above**. *(tick to indicate agreement)* |  |
| *You can ask us to stop sending correspondence by email, or change the email address, by telling us at any time; please give 5 working days’ notice.* | |

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| 1. **Please tick the corresponding box(es) below to confirm the type of organisation and its official number(s), where applicable:** | | |
| 1. Company and its company number… |  |  |
| If the company is a registered charity, please tick this box and provide its charity number… |  |  |
| 1. Scottish Charitable Incorporated Organisation (SCIO) and its charity number… |  |  |
| 1. Community Benefit Society (BenCom) and its registered number… |  |  |
| 1. Unincorporated association (no number) |  | ***LEAVE BLANK*** |
| If the association is a registered charity, please tick this box and provide its charity number… |  |  |

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| 1. **Please tick the corresponding box below to confirm which documents accompany this asset transfer request:** | |
| Constitution |  |
| Articles of Association |  |
| Registered Rules |  |
| *Please note that a formal asset transfer request will only be considered from those community-controlled bodies with a written constitution.* | |

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| 1. **Has your organisation been individually designated as a Community Transfer Body by an Order made by Scottish Ministers?** | | |
| Yes |  | Please note that this question relates only to those bodies referred to in section 77(2)(a) of the Community Empowerment (Scotland) Act 2015. If you are in any doubt then please tick ‘Don’t know’. |
| No |  |
| Don’t know |  |
| **If yes, please give the title and date of the Designation Order:** | | |
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| 1. **Does your organisation fall within a class of bodies designated as Community Transfer Bodies by an Order made by Scottish Ministers?** | | |
| Yes |  | Please note that this question relates only to those bodies referred to in section 77(2)(b) of the Community Empowerment (Scotland) Act 2015. If you are in any doubt then please tick ‘Don’t know’. |
| No |  |
| Don’t know |  |
| **If yes, please give the class of bodies it falls within together with the title and date of the Designation Order:** | | |
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**Section B:**

**Information about the land and rights in which you are interested**

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| 1. **You should provide a street address and/or grid reference and any name by which the land or building is known as. If you have identified the land via the Council’s register of land, please enter the details we have listed.** | |
| Name of Asset |  |
| Name Asset otherwise known by |  |
| Asset Address |  |
| Grid Reference of Asset |  |
| Asset UPRN (Unique Property Reference) as listed on Council Register |  |

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| 1. **Please provide a sketch or drawing showing the boundaries of the land or building in which you are interested. If you are interested in part of a piece of land or building, please explain clearly your requirements in your answer to question 3 below.** | | |
| Sketch/drawing attached |  |

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| 1. **Please provide a description of the asset in which you are interested. Please give enough information to identify your requirements clearly.** |
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**Section C:**

**Type of Request**

1. **Please indicate below what type of request you are making:**

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| Ownership (section 79(2)(a) of the Act) – go to question 2 |  |
| Lease (section 79(2)(b)(i) of the Act) – go to question 3 |  |
| Other rights (section 79(2)(b)(ii) of the Act) – go to question 4 |  |

1. **Request for Ownership**

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| What price are you prepared to pay for the asset? | £ |

Go to question 5.

1. **Request for a Lease**

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| What length of lease are you proposing? |  | | |
| How much rent are you prepared to pay? | £ | per |  |

Go to question 5.

1. **Request for Other Rights**

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| What rights are you requesting? | | | | | | |
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| Do you propose paying for these rights? (tick box) | | Yes |  | | No |  |
| If yes, how much are you prepared to pay? | £ | | | per |  | |

1. **Please set out any other terms and conditions that you wish to apply to your proposals.**

*(This should include details of any responsibilities that you would wish the Council to retain, e.g. responsibilities under a proposed lease arrangement.)*

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**Section D:**

**Reasons for Request**

1. **Community Proposal**

Please set out the reasons for seeking an asset transfer and describe how the land or building is intended to be used.

*(This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the asset, and any activities that will take place there.)*

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1. **Benefits of the Proposal**

Please set out the benefits that you consider would arise if the proposed request were to be agreed.

*(This should explain how the project would benefit your community and others. Please refer to the Scottish Government Guidance document on how the Council will consider the benefits of the request.)*

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1. **Restrictions on use of the land**

If there are any restrictions on the use or development of the land, please explain how your project would comply with these.

*(Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.)*

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1. **Negative consequences**

What negative consequences (if any) may occur if your request were to be agreed? How would you propose to minimise these?

*(You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.)*

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1. **Capacity to deliver**

Please show how your organisation would be able to manage the project and achieve your objectives.

*(This could include the skills and experience of organisation members, any track record of previous projects, whether you intend to use professional advisers, etc.)*

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**Section E:**

**Level and nature of support**

Please provide details of the level and nature of any existing support from your community and describe any consultations carried out.

*(This could include information on the proportion of your community who are involved with the project, how you have engaged with your community beyond the members of your organisation. You should also show how you have engaged with any other communities that may be affected by your proposals.)*

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**Section F:**

**Funding**

Please outline how you propose to fund the price or rent you intend paying for the asset, and your proposed use of the asset.

*(You should show your calculations of the costs associated with the proposed transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.*

*Where a transfer at less than full market value is being sought, your business case should include a cash flow forecast covering the first full year of operation, together with an indicative budget for at least the following 2 years.)*

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**Section G:**

**Declarations**

Two office bearers (board members, charity trustees or committee members) of the community organisation must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

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| **We, the undersigned on behalf of the community organisation as noted at Section A, make an asset transfer request as specified in this form.**  **We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.** |

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| Name: |  | | |
| Address: |  | | |
| Position: |  | | |
| Signature: |  | Date: |  |

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| --- | --- | --- | --- |
| Name: |  | | |
| Address: |  | | |
| Position: |  | | |
| Signature: |  | Date: |  |

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| Please send the completed form, together with all accompanying plans and documentation, to: | |
| **By Post:** | **Asset Transfer Team**, Moray Council, High Street, Elgin IV30 1BX |
| **By Email:** | [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk) |

**If you have any queries regarding the completing of this form, please contact the Asset Transfer Team on telephone 01343 563726**

**Section G:**

**Checklist of accompanying documents**

To check that nothing is missed, please list any documents which you are submitting to accompany this asset transfer request: (please tick)

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| Constitution |  |
| Articles of Association |  |
| Registered Rules |  |
| Financial Statements |  |
| Business Case |  |
| Sketch / drawing of asset |  |
| Note of terms and conditions you wish to apply |  |

Please note any additional supporting documents not listed above:

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**Useful Links**

The following links provide sources of further information, advice or support for community bodies:

[Moray Council Community Asset Transfer](http://www.moray.gov.uk/moray_standard/page_77750.html)

[Moray Council Community Support Unit](http://www.moray.gov.uk/moray_standard/page_75494.html)

[Scottish Government Guidance for Community Transfer Bodies](http://www.gov.scot/Topics/People/engage/AssetTransfer)

[Community Ownership Support Service (COSS)](http://www.dtascommunityownership.org.uk/)

[Development Trust Association Scotland](http://www.dtascot.org.uk/)

[Business Gateway Moray](http://www.bgateway.com/local-offices/moray?gclid=CMK2_8-2_r4CFYrJtAodCX4Aiw)

[Highlands and Islands Enterprise](http://www.hie.co.uk/community-support/community-assets/default.html)

[tsiMoray](http://www.tsimoray.org.uk/about)