

# LAND REFORM (SCOTLAND) ACT 2003

---

## EXPLANATORY NOTES

### THE ACT – AN OVERVIEW

#### **Part 2 the Community Right to Buy**

##### ***Section 54: Declinature or extinction of right to buy***

189. This section allows a community body with a registered interest to decline the right to buy registered land at any time. This may be done by giving written notice to Ministers. The community body's interest will be deleted from the Register and the owner of the land notified.
190. Under subsection (3), if the right to buy has been activated before the community body decides not to exercise it, then the right to buy is extinguished together with the deletion of the registered interest.
191. Subsection (4) permits a community body to register its interest in the same land at a later date.
192. Subsection (5) allows the owner of the land to withdraw from a sale to a community body and extinguish an activated right to buy at any time before the conclusion of missives between the owner and the community body exercising that right. The owner may do so by giving written notice of withdrawal to Ministers and each community body with a registered interest. However, under these circumstances the registered interest remains.
193. Subsection (8) prevents the owner from extinguishing a right to buy which has arisen following a determination of the Lands Tribunal under section 50 that there has been a breach of the prohibitions relating to transfer of land in which a community has registered, or applied to register, an interest.