

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 2 the Community Right to Buy

Section 59: Assessment of value of land

209. This section covers the appointment of a valuer, and the valuation of the land to be transferred under Part 2.
210. Subsection (1) provides that Ministers are required to appoint a suitable person as a valuer within 7 days of the community body confirming that it wishes to exercise the right to buy.
211. Subsection (3) provides that the valuer is to act independently of the two parties and is to act as an expert rather than as an arbiter. The valuer will not be involved in any negotiations between the owner of the land and the community body in respect of the value of the land.
212. Subsection (4) states that the land is to be valued at market value at the date on which the owner notified Ministers of his/her intention to sell the land. In the case of a late application, valuation will be based on the date Ministers received the community body's application.
213. Subsection (5) requires that any salmon fishings or mineral rights shall be valued separately from the land to which they relate.
214. Subsection (6) defines market value for the purposes of this section.
215. Subsection (7) requires the valuer to take account of any person (other than the community body) willing to pay a higher price for the land than others because of a particular characteristic of the land. It also lists factors which should have no bearing on the valuation.
216. Subsections (8) and (9) provide that, where any moveable property is being sold with the land, such moveable property should be included in the valuation. However, any such property should be valued individually.