

*These notes relate to the Land Reform (Scotland) Act 2003
(asp 2) which received Royal Assent on 25 February 2003*

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 2 the Community Right to Buy

Section 61: Appeals

219. This section allows the owners of land, community bodies and other interested parties to appeal against certain decisions by Ministers by means of summary application to the sheriff.
220. Subsection (1) states that an owner of the land may appeal against Ministers' decision to approve a community body's application for registration, or to allow the community body the right to buy.
221. Subsection (2) enables a community body to appeal against Ministers' decision not to approve a community body's application for registration, or not to allow the exercise of the right to buy.
222. Under subsection (3), any person who is a member of the community to which a community body relates or any person who has a legally enforceable right in land may appeal against Ministers' decisions to enter an interest in the land in the Register or to consent to the exercise of a right to buy the land.
223. Subsection (4) sets a time limit of 28 days for lodging appeals.
224. Subsection (5) provides which sheriff has jurisdiction to hear appeals.
225. Subsection (6) provides details of who must be informed of an appeal.
226. Subsection (7) makes clear that a decision by a sheriff may result in the need to amend the Register and may result in conditions being imposed on those appealing. The sheriff's decision is final.