



Land Reform (Scotland) Act 2003

2003 asp 2

PART 2

THE COMMUNITY RIGHT TO BUY

CHAPTER 4

PROCEDURE AFTER ACTIVATION OF RIGHT TO BUY

51 Exercise of right to buy: approval of community and consent of Ministers

- (1) A community body shall not proceed to buy land under this Part of this Act without—
 - (a) the approval of the community; and
 - (b) the consent of Ministers.
- (2) The community are to be taken as having given their approval for the purposes of subsections (1) above and (3) below if Ministers are satisfied—
 - (a) that—
 - (i) [^{F1}the proportion] of the members of the community ^{F2}... [^{F3}who] have voted in a ballot ^{F4}... on the question whether the community body should buy the land; [^{F5}is, in the circumstances, sufficient to justify the community body's proceeding to buy the land;]^{F6}...
 - ^{F7}(ii)
 - (b) that the majority of those voting have voted in favour of the proposition that the community body buy the land.
- (3) Ministers shall not consent for the purposes of subsection (1) above unless the community have given their approval and Ministers are satisfied—
 - ^{F8}(a)
 - (b) that the community body continues to comply with the provisions of section 34 above;
 - (c) that what the community body proposes to do with the land is compatible with furthering the achievement of sustainable development;
 - (d) that the proposed purchase of the land is in the public interest; and

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- (e) that there has not, since the date on which they decided the community body's interest should be registered, been a change in any matters to the extent that, if the application to register the community interest were made afresh, they would decide that the interest is not to be entered in the Register.
- (4) A community body may require Ministers to treat as confidential any information or document relating to arrangements for the raising or expenditure of money to enable the land to be put to a particular use, being information or a document made available to Ministers for the purposes of subsection (3) above.
- (5) Ministers shall, within the time limit specified in subsection (6) below, send notice of their decision as to consent and their reasons for it in writing to the community body and to the owner of the land and shall direct the Keeper to enter a record of that decision in the Register.
- (6) That time limit is—
- (a) where one community body has confirmed that it will exercise its right to buy the land, the 21 days following receipt [^{F9}by Ministers] of notification, under section 52(3) below, of the result of the ballot ^{F10}...; or
 - (b) where two or more community bodies have confirmed that they will exercise their right to buy the land, the 21 days following receipt of such notification in respect of the last of the ballots ^{F11}....
- [^{F12}(6A) Where a community body makes representations under section 51C(1), the references to 21 days in paragraphs (a) and (b) of subsection (6) are to be read as references to 35 days.]
- (7) Any failure to comply with the time limit specified in subsection (6) above does not affect the validity of anything done under this section.
- [^{F13}(8) In this section, references to the community are, as respects a community body, references to—
- (a) the community defined in relation to that body under section 34(1)(a), (1A)(a) or (1B)(a); or
 - (b) where that body is a body mentioned in section 34(A1)(b), the community to which that body relates.]

Annotations:

Amendments (Textual)

- F1** Words in s. 51(2)(a)(i) substituted (15.4.2016) by
[Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#)
- ,
[ss. 48\(a\)\(i\)](#)
- ,
[142\(1\)](#)
- ;
[S.S.I. 2015/399](#)
- ,
[art. 2](#)
- ,
[Sch.](#)
 (with
[art. 3](#)

Changes to legislation: Land Reform (Scotland) Act 2003, Chapter 4 is up to date with all changes known to be in force on or before 03 September 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

-)
- F2** Words in s. 51(2)(a) repealed (15.4.2016) by
The Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order
2016 (S.S.I. 2016/28)
- ,
- arts. 1(1)
- ,
- 2(2)(a)**
(with
art. 3
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- F3** Word in s. 51(2)(a)(i) inserted (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)
- ,
- ss. 48(a)(ii)**
- ,
- 142(1)
- ;
- S.S.I. 2015/399
- ,
- art. 2
- ,
- Sch.
(with
art. 3
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- F4** Words in s. 51(2)(a)(i) repealed (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)
- ,
- s. 142(1)
- ,
- Sch. 4 para. 8(3)(a)**
- ;
- S.S.I. 2015/399
- ,
- art. 2
- ,
- Sch.
(with
art. 3
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- F5** Words in s. 51(2)(a)(i) inserted (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)
- ,
- ss. 48(a)(iii)**
- ,
- 142(1)
- ;
- S.S.I. 2015/399
- ,
- art. 2
- ,
- Sch.

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- (with
 art. 3
)
- F6** Word in s. 51(2)(a) repealed (15.4.2016) by
 Community Empowerment (Scotland) Act 2015 (asp 6)
 ,
ss. 48(b)
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 142(1)
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 S.S.I. 2015/399
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 art. 2
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 Sch.
 (with
 art. 3
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- F7** S. 51(2)(a)(ii) repealed (15.4.2016) by
 Community Empowerment (Scotland) Act 2015 (asp 6)
 ,
ss. 48(c)
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 142(1)
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 S.S.I. 2015/399
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 art. 2
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 Sch.
 (with
 art. 3
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- F8** S. 51(3)(a) repealed (15.4.2016) by
 Community Empowerment (Scotland) Act 2015 (asp 6)
 ,
 s. 142(1)
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Sch. 5
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 S.S.I. 2015/399
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 art. 2
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 Sch.
 (with
 art. 3
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- F9** Words in s. 51(6)(a) inserted (15.4.2016) by
 Community Empowerment (Scotland) Act 2015 (asp 6)
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 s. 142(1)
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Sch. 4 para. 8(3)(b)(i)

;
S.S.I. 2015/399

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art. 2

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Sch.

(with

art. 3

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F10 Words in s. 51(6)(a) repealed (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)

,
s. 142(1)

Sch. 4 para. 8(3)(b)(ii)

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S.S.I. 2015/399

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art. 2

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Sch.

(with

art. 3

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F11 Words in s. 51(6)(b) repealed (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)

,
s. 142(1)

Sch. 4 para. 8(3)(b)(iii)

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S.S.I. 2015/399

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art. 2

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Sch.

(with

art. 3

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F12 S. 51(6A) inserted (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)

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ss. 51(2)

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142(1)

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S.S.I. 2015/399

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art. 2

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Sch.

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art. 3
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F13 S. 51(8) inserted (15.4.2016) by
 The Community Empowerment (Scotland) Act 2015 (Consequential Modifications and Savings) Order
 2016 (S.S.I. 2016/28)
 ,
 arts. 1(1)
 ,
2(2)(b)
 (with
 art. 3
)

[^{F14}51A Ballots under section 51: appointment of balloter, etc.

- (1) The ballot is to be conducted by a person (the “balloter”) appointed by Ministers who appears to them to be independent and to have knowledge and experience of conducting ballots.
- (2) Ministers must, within the period mentioned in subsection (3), provide the balloter with—
 - (a) a copy of the application made by the community body under section 37 to register an interest in the land in relation to which the body has confirmed it will exercise the right to buy, and
 - (b) such other information as may be prescribed.
- (3) The period is the period of 28 days beginning with the date on which a valuer is appointed under section 59(1) in respect of the land in relation to which the community body has confirmed it will exercise the right to buy.
- (4) Ministers must provide the community body with such details of the balloter as will enable the community body to contact the balloter.
- (5) The community body must, before the end of the period of 7 days following receipt of notification under section 60(2) of the valuation of the land, provide the balloter with wording for the proposition mentioned in section 51(2)(b); and the balloter must conduct the ballot on the basis of such wording.
- (6) At the same time as providing that wording, the community body must also provide the balloter, in such form as may be prescribed, with such information as may be prescribed relating to—
 - (a) the community body,
 - (b) its proposals for use of the land in relation to which it has confirmed it will exercise its right to buy,
 - (c) the valuation, and
 - (d) any other matters.
- (7) The expense of conducting the ballot is to be met by Ministers.]

Annotations:

Amendments (Textual)

F14 S. 51A inserted (13.11.2015 for specified purposes, 15.4.2016) by

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[Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#)

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ss. 49
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142(1)
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[S.S.I. 2015/358](#)
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art. 2
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Sch.
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[S.S.I. 2015/399](#)
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art. 2
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Sch.
(with
art. 3
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[^{F15}51B Consent under section 51: duty to provide information

- (1) For the purposes of deciding whether they are satisfied as mentioned in section 51(3) in relation to a community body, Ministers must take into account—
 - (a) the information mentioned in subsection (2), and
 - (b) any other information they consider relevant.
- (2) The information referred to in subsection (1)(a) is information—
 - (a) provided by the community body, and
 - (b) that is of such a kind as may be prescribed.
- (3) Information mentioned in subsection (2) must be provided in the prescribed form.
- (4) Information that may be prescribed under subsection (2)(b) includes, in particular—
 - (a) information relating to the matters mentioned in section 51(3), and
 - (b) additional information relating to such information.
- (5) Ministers may, no later than 7 days after receiving the information mentioned in subsection (2), request the community body to provide such further information as they consider necessary.
- (6) The community body must, no later than 14 days after receiving any such request, provide Ministers with the further information requested.]

Annotations:

Amendments (Textual)

- F15** S. 51B inserted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#)
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ss. 50

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 142(1)
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 S.S.I. 2015/358
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 art. 2
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 Sch.
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 S.S.I. 2015/399
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 art. 2
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 Sch.
 (with
 art. 3
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[^{F16}51C Circumstances affecting result of ballot

- (1) Within 14 days of receipt by the community body of notification under section 52(3) of the result of the ballot, the body may make representations to Ministers in writing about any circumstances that the body considers have affected the result of the ballot.
- (2) Where the community body makes such representations it must, when making them—
 - (a) provide Ministers with such evidence as is reasonably necessary to establish the existence and effect of the circumstances to which the representations relate, and
 - (b) send a copy of the representations and the evidence to the owner of the land to which the ballot relates.
- (3) Within 7 days of receipt of any representations under subsection (1), Ministers may request the community body to provide such further information relating to the representations or related evidence as they think fit.
- (4) Within 7 days of receiving such a request, the community body must respond to it.
- (5) Within 7 days of receipt of a copy of the representations and evidence under subsection (2)(b), the owner of the land may provide Ministers with comments on the representations and evidence.
- (6) Where the owner of the land provides comments under subsection (5) the owner must, when providing them, send a copy of the comments to the community body.
- (7) Within 7 days of receipt of a copy of comments under subsection (6), the community body may give Ministers views on the comments.
- (8) Within 7 days of receipt of any views under subsection (7), Ministers may request the community body to provide such further information relating to the views as they think fit.
- (9) Within 7 days of receiving such a request, the community body must respond to it.
- (10) In deciding whether they are satisfied as mentioned in section 51(2)(a), Ministers must take account of any—

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- (a) representations made under subsection (1),
- (b) evidence provided under subsection (2)(a),
- (c) further information provided under subsection (4) or (9),
- (d) comments under subsection (5), and
- (e) views under subsection (7).]

Annotations:

Amendments (Textual)

F16 S. 51C inserted (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)
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ss. 51(1)
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142(1)
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S.S.I. 2015/399
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art. 2
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Sch.
(with
art. 3
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52 Ballot procedure

(1) The ballot shall be conducted as prescribed; and the provisions prescribed shall include provision for the ascertainment and publication of the number of persons eligible to vote in the ballot, the number who did so and the numbers of valid votes respectively cast for and against the proposition mentioned in section 51(2)(b) above.

^{F17}(2)

(3) The [^{F18}ballotter appointed under section 51A] shall, within the period set out in subsection (4) below and in the prescribed form of return, notify [^{F19}Ministers, the community body, the owner of the land to which the ballot relates and any creditor in a standard security with a right to sell the land of]—

- (a) the result;
- (b) the number of persons eligible to vote;
- (c) the number who voted; ^{F20} ...
- (d) the number who voted in favour of the proposition mentioned in section 51(2)(b) above,
- [^{F21}(e) the wording of that proposition, and
- (f) any information provided by the ballotter to persons eligible to vote in the ballot.]

^{F22} ...

[^{F23}(4) The period referred to in subsection (3) above is—

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- (a) the period of 12 weeks beginning with the date on which a valuer is appointed under section 59(1) in respect of the land in relation to which the community body has confirmed it will exercise its right to buy, or
- (b) where—
 - (i) the ballotter receives notification under section 60(3C), and
 - (ii) the date notified under paragraph (c) of that subsection is after the end of the 12 week period beginning with the date on which a valuer is appointed under section 59(1),
 the period beginning with the date on which a valuer is appointed under section 59(1) and ending with the day after the date notified to the ballotter under section 60(3C).]

- [^{F24}(5) Within 7 days of receiving notification under subsection (3) above, Ministers may—
- (a) require the ballotter to provide such information relating to the ballot as they think fit,
 - (b) require the community body to provide such information relating to any consultation with those eligible to vote in the ballot undertaken during the period in which the ballot was carried out as Ministers think fit.

- (6) The validity of anything done under this Part of this Act is not affected by any failure by a ballotter to comply with the time limit specified in subsection (4).]

- [^{F25}(7) Provision may be prescribed for or in connection with—
- (a) reviewing whether a ballot was conducted in accordance with provision prescribed under subsection (1),
 - (b) providing notification to such persons, or description of persons, as may be prescribed that a ballot has not been so conducted,
 - (c) in a case where a ballot has not been so conducted, requiring a further ballot to be conducted on such a basis, and by such persons or description of persons, as may be prescribed,
 - (d) requiring any such further ballot to be conducted—
 - (i) in compliance with such conditions as may be prescribed (including conditions that the ballot be conducted in accordance with provision prescribed under subsection (1)),
 - (ii) within such timescales as may be prescribed,
 - (e) specifying persons, or descriptions of persons, who are to meet the expenses of conducting any such further ballot,
 - (f) specifying that any review mentioned in paragraph (a) be carried out by—
 - (i) such persons,
 - (ii) such description of persons, or
 - (iii) such a court or tribunal,
 as may be prescribed,
 - (g) specifying the action that may be taken by such persons, persons of such description or such a court or tribunal following such a review.]

Annotations:

Amendments (Textual)

- F17** S. 52(2) repealed (15.4.2016) by
 Community Empowerment (Scotland) Act 2015 (asp 6)

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s. 142(1)

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Sch. 5

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S.S.I. 2015/399

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art. 2

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Sch.
(with
art. 3
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F18 Words in s. 52(3) substituted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by
Community Empowerment (Scotland) Act 2015 (asp 6)

,
s. 142(1)

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Sch. 4 para. 8(4)(a)(i)

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S.S.I. 2015/358

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art. 2

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Sch.

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S.S.I. 2015/399

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art. 2

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Sch.
(with
art. 3
)

F19 Words in s. 52(3) inserted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by
Community Empowerment (Scotland) Act 2015 (asp 6)

,
s. 142(1)

,
Sch. 4 para. 8(4)(a)(ii)

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S.S.I. 2015/358

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art. 2

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Sch.

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S.S.I. 2015/399

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art. 2

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- Sch.
(with
art. 3
)
F20 Word in s. 52(3) repealed (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by
Community Empowerment (Scotland) Act 2015 (asp 6)
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s. 142(1)
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Sch. 4 para. 8(4)(a)(iii)
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S.S.I. 2015/358
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art. 2
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Sch.
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S.S.I. 2015/399
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art. 2
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Sch.
(with
art. 3
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F21 S. 52(3)(e)(f) inserted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by
Community Empowerment (Scotland) Act 2015 (asp 6)
,
s. 142(1)
,
Sch. 4 para. 8(4)(a)(iv)
;
S.S.I. 2015/358
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art. 2
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Sch.
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S.S.I. 2015/399
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art. 2
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Sch.
(with
art. 3
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F22 Words in s. 52(3) repealed (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by
Community Empowerment (Scotland) Act 2015 (asp 6)
,
s. 142(1)

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Sch. 4 para. 8(4)(a)(v)
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S.S.I. 2015/358
- ,
art. 2
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Sch.
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S.S.I. 2015/399
- ,
art. 2
- ,
Sch.
(with
art. 3
)
- F23** S. 52(4)
substituted (27.6.2018) by
Land Reform (Scotland) Act 2016 (asp 18)
- ,
s. 130(1)
- ,
sch. 1 para. 1(3)
(with
s. 128
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S.S.I. 2018/138
- ,
art. 3
- ,
sch. 2
(with
reg. 4
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- F24** S. 52(5)(6) inserted (15.4.2016) by
Community Empowerment (Scotland) Act 2015 (asp 6)
- ,
s. 142(1)
- ,
Sch. 4 para. 8(4)(b)
;
S.S.I. 2015/399
- ,
art. 2
- ,
Sch.
(with
art. 3
)
- F25** S. 52(7) inserted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by
Community Empowerment (Scotland) Act 2015 (asp 6)
- ,

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ss. 52

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 142(1)
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 S.S.I. 2015/358
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 art. 2
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 S.S.I. 2015/399
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 art. 2
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 Sch.
 (with
 art. 3
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53 Provisions supplementary to section 51: salmon fishings and minerals

Where the land in which a community interest has been registered is salmon fishings or mineral rights, Ministers shall not consent under section 51(1) above to the exercise of the right to buy unless they are (additionally to the matters as to which they are to be satisfied under section 51(3) above) satisfied that—

- (a) the salmon fishings are in waters which are within or contiguous to;
- (b) where in separate ownership from the land, the mineral rights are exercisable within,

land which the community body is, at the same time, exercising its right to buy or already owns.

54 Declinature or extinction of right to buy

- (1) If, at any time, a community body which has registered a community interest decides that it will not exercise its right to buy the land, it shall give Ministers written notice of its decision.
- (2) On receipt of a notice under subsection (1) above, Ministers shall—
 - (a) send a copy of it to the Keeper and direct the Keeper to delete the community interest from the Register; and
 - (b) notify the owner of the land of that fact.
- (3) Where, when that notice is given, that right to buy has arisen, the right is then extinguished.
- (4) Nothing in or done under subsections (1) to (3) above prevents a community body from registering a community interest in the same land for a second or subsequent time.
- (5) If, at any time after the owner of land has given notice under section 48(1) above but before the owner has concluded missives with a community body for the sale and purchase of the land in respect of which a right to buy has arisen, the owner of the

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land decides not to proceed further with the proposed transfer the owner shall give written notice of that fact to—

- (a) Ministers; and
 - (b) each community body which has registered an interest in the land.
- (6) Ministers shall send a copy of the notice given under subsection (5) above to the Keeper.
- (7) Where a notice is given under subsection (5) above, the right to buy the land which arose under section 47 above is extinguished.
- (8) Subsections (5) and (7) above do not apply where the right to buy land has arisen and is being exercised by virtue of the owner of land being deemed, by section 50(5) above, to have provided notice under section 48(1) above.
- (9) Nothing in subsection (7) above prevents a right to buy land from arising for a second or subsequent time.

55 Right to buy same land exercisable by only one community body

- (1) Only one community body may exercise the right to buy land in which two or more community bodies have registered community interests.
- (2) Where two or more community bodies have confirmed that they will exercise their rights to buy such land it is for Ministers to decide which one is to proceed.
- (3) On Ministers so deciding—
 - (a) the other community body's right to buy the land is extinguished; and
 - (b) they shall—
 - (i) direct the Keeper to delete its interest from the Register; and
 - (ii) notify the owner of the land and the community bodies of that fact.
- (4) Where a community body has confirmed that it will buy the land as respects which a crofting community body has applied to Ministers under section 73 below for consent to exercise the right to buy, it is for Ministers to decide which body is to proceed.
- (5) Where Ministers decide that the crofting community body is to proceed—
 - (a) the community body's right to buy the land is extinguished; and
 - (b) they shall—
 - (i) direct the Keeper to delete its interest from the Register; and
 - (ii) notify the owner of the land, the crofting community body and the community body of that fact.

56 Procedure for buying

- (1) It is for the community body to make the offer to buy in exercise of the right conferred by this Part of this Act.
- (2) The offer shall be at a price—
 - (a) agreed between the community body and the owner of the land; or
 - (b) where no such agreement is reached, equal to—
 - (i) the value assessed by the appointed valuer; or

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- (ii) if that value is the subject of an appeal under section 62 below, the value determined by the appeal,
- and shall specify the date of entry and of payment of the price in accordance with subsection (3) below.
- (3) The date of entry and of payment of the price shall be—
- (a) a date not later than [^{F26}8] months from the date when the community body sent the confirmation sought by Ministers under section 49(2)(a) above of its intention to buy;
 - (b) where the price assessed by the appointed valuer is the subject of an appeal under section 62 below which has not, within the period of 4 months after the date when the community body sent that confirmation, been—
 - (i) determined; or
 - (ii) abandoned following agreement between the community body and the owner of the land,
 a date not later than 2 months after the appeal is so determined or, as the case may be, abandoned; or
 - (c) such later date as may be agreed between the community body and the owner of the land.
- (4) The offer may include such other reasonable conditions as are necessary or expedient to secure the efficient progress and completion of the transfer.
- (5) If a community body has not, within the period fixed by or agreed under subsection (3) above, done any of the things mentioned in subsection (6) below, the community body's right to buy the land is extinguished and Ministers shall—
- (a) direct the Keeper to delete its interest in the land from the Register; and
 - (b) notify the owner of the land of that fact.
- (6) The things referred to in subsection (5) above are—
- (a) concluding missives with the owner of the land for its sale to the community body;
 - (b) if the community body has not so concluded missives, taking all steps which, in the opinion of the Lands Tribunal, it could reasonably have taken in the time available towards so concluding missives short of applying to the Lands Tribunal for an order under section 57 below; and
 - (c) where—
 - (i) paragraph (b) above applies;
 - (ii) all such steps as are there mentioned have been taken; and
 - (iii) there has been, in the opinion of the Lands Tribunal, reasonably sufficient time also to apply to the Lands Tribunal for an order under section 57 below,
 applying to the Lands Tribunal accordingly.
- [^{F27}(7) Where a later date is agreed as mentioned in subsection (3)(c), the community body must, within 7 days of the agreement—
- (a) notify Ministers in writing of the agreement,
 - (b) inform Ministers—
 - (i) of the date on which the agreement was made, and
 - (ii) what the later date is, and
 - (c) provide evidence to Ministers of the matters mentioned in paragraph (b).]

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Annotations:

Amendments (Textual)

F26 Word in s. 56(3)(a) substituted (15.4.2016) by
[Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#)

,
ss. 54(a)

,
142(1)

;
[S.S.I. 2015/399](#)

,
[art. 2](#)

,
[Sch.](#)

(with
[art. 3](#)

)

F27 S. 56(7) inserted (15.4.2016) by
[Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#)

,
ss. 54(b)

,
142(1)

;
[S.S.I. 2015/399](#)

,
[art. 2](#)

,
[Sch.](#)

(with
[art. 3](#)

)

57 Powers of Lands Tribunal in event of failure or delay

(1) If, on application made to it by the owner of the land or the community body, the Lands Tribunal is satisfied that, following the making of an offer in pursuance of section 56 above, the owner of the land or the community body has unreasonably delayed the progress of transferring title to the land to the community body, the Tribunal may order the owner of the land or, as the case may be, the community body to take such remedial action as is specified in the order and to do so within such time as is so specified.

(2) If a community body—

(a) fails to comply with an order under subsection (1) above; and

(b) has not, within the time in which remedial action specified in such order is required to be taken, given notice under section 54 above to Ministers that it no longer wishes to exercise its right to buy the land,

the Lands Tribunal may make an order extinguishing its right to buy the land and, where the Tribunal makes such an order, it shall send a copy of the order to Ministers and the owner of the land.

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- (3) Ministers shall, if an order is made under subsection (2) above—
- (a) direct the Keeper to delete the community body's interest from the Register; and
 - (b) notify the owner of the land of that fact.
- (4) If an owner of land—
- (a) fails to comply with an order under subsection (1) above; and
 - (b) has not, within the time in which remedial action specified in such order is required to be taken, given notice under section 54 above to Ministers and the community body that the owner of the land no longer wishes to proceed with the transfer of the land,
- the Lands Tribunal may make an order authorising the community body to acquire the land subject to such terms and conditions as may be specified in the order and requiring the owner of the land to transfer the land to the community body in accordance with such terms and conditions.
- (5) If an owner of land refuses or fails to effect a transfer of land in pursuance of an order under subsection (4) above in accordance with such terms and conditions as may be specified in the order, the Lands Tribunal may authorise its principal clerk to adjust, execute and deliver such deeds or other documents as are necessary to complete the transfer to the like force and effect as if the owner had acted in the manner required by the order.
- [^{F28}(6) Where an application under subsection (1) is made by the owner of the land or the community body, the owner or, as the case may be, the community body must, within 7 days of the date on which the application is made, notify Ministers in writing of—
- (a) the making of the application, and
 - (b) the date of making the application.
- (7) Failure to comply with the requirement in subsection (2) to send a copy of the order made under that subsection, or with subsection (6), has no effect on—
- (a) the community body's right to buy the land, or
 - (b) the validity of the application under subsection (1).]

Annotations:

Amendments (Textual)

- F28** S. 57(6)(7) inserted (15.4.2016) by
[Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#)
- ›
ss. 55
- ›
[142\(1\)](#)
- ›
[S.S.I. 2015/399](#)
- ›
[art. 2](#)
- ›
[Sch.](#)
 (with
[art. 3](#)

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58 Procedure where right to buy activated by virtue of notice under section 50(3)

- (1) Where a right to buy land arises, and may be exercised, by virtue of Ministers sending notice under section 50(3) above, subsections (2) to (6) below apply in place of sections 56 and 57 above in relation to the exercise of that right.
- (2) It is for the community body to secure the expeditious exercise of such a right to buy and, in particular—
 - (a) to prepare the documents necessary to effect the transfer; and
 - (b) in so doing, to ensure that the land in respect of which the right to buy has arisen is the same as the land to be transferred.
- (3) The community body shall pay a price—
 - (a) equal to the value assessed by the appointed valuer; or
 - (b) determined by an appeal.
- (4) The owner of the land being bought is obliged—
 - (a) to make available to the community body such deeds and other documents as are sufficient to enable the body to proceed to complete its title to the land; and
 - (b) to transfer title accordingly.
- (5) If the owner of the land refuses or fails to make those deeds and other documents available or they cannot be found, the Lands Tribunal may, on the application of the community body, order the owner or any other person appearing to the Tribunal to have those deeds and documents to produce them.
- (6) If the owner of the land refuses or fails to effect such transfer as is mentioned in subsection (4) above, the Lands Tribunal may, on the application of the community body, authorise its principal clerk to adjust, execute and deliver such deeds or other documents as will complete such transfer to the like force and effect as if done by the owner.

Changes to legislation:

Land Reform (Scotland) Act 2003, Chapter 4 is up to date with all changes known to be in force on or before 03 September 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 74(1)(o)-(r) inserted by
2015 asp 6
s. 65(b)
- s. 81(1)(ba) (bb) inserted by
2015 asp 6
s. 68(a)
- s. 88(9A) (9B) inserted by
2015 asp 6
s. 69(a)
- s. 92(5)(a) (b) substituted for words by
2015 asp 6
s. 71(a)
- s. 92(5A) inserted by
2015 asp 6
s. 71(b)
- s. 92(6A)-(6C) inserted by
2015 asp 6
s. 71(d)
- s. 94(2)(aa) (ab) inserted by
2015 asp 6
s. 72(2)(b)
- s. 94(2A) (2B) inserted by
2015 asp 6
s. 72(3)
- s. 94(3A)-(3C) inserted by
2015 asp 6
s. 72(4)
- s. 97ZA inserted by
2015 asp 6
s. 73