



Land Reform (Scotland) Act 2003

2003 asp 2

PART 2

THE COMMUNITY RIGHT TO BUY

CHAPTER 7

GENERAL AND MISCELLANEOUS PROVISIONS

65 Effect of right to buy on other rights

- (1) Any rights of pre-emption, redemption or reversion otherwise exercisable over land in which a community interest has been registered are—
- (a) suspended as from the date when the community body sends the confirmation sought by Ministers under section 49(2)(a) above of its intention to buy the land; and
 - (b) revived—
 - (i) when the transfer under this Part of this Act of the land to the community body is completed; or
 - (ii) if such a transfer is not completed because the community body does not (by virtue of declining, under section 54 above, to buy the land or for any other reason) proceed to buy the land.
- (2) Any rights which a person has in land over which a community interest has been registered, being rights conferred on the person under—
- (a) Part 3 of this Act;
 - (b) section 12 of the Crofters (Scotland) Act 1993 (c. 44);
 - (c) any order under that Act of the Land Court in favour of the crofter;
 - ^{F1}(d)
- are suspended as provided in paragraph (a) of subsection (1) above but revived in the circumstances set out in paragraph (b) of that subsection.
- (3) Nothing in this Part of this Act—
- (a) affects the operation of an inhibition on the sale of the land;

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Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Chapter 7. (See end of Document for details)

- (b) prevents an action of adjudication from proceeding; or
- (c) affects the commencement, execution or operation of any other diligence.

Textual Amendments

- F1** S. 65(2)(d) repealed (1.8.2016) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 2 para. 14(3)**; S.S.I. 2014/264, art. 2, sch. (with art. 4)

66 Amendment of Land Registration (Scotland) Act 1979

After subsection (3) of section 4 of the Land Registration (Scotland) Act 1979 (c. 33) (applications for registration) there shall be added—

- “(4) Where an application is not accepted by the Keeper on the ground that he has not been provided with sufficient evidence to confirm that it does not relate to a transfer which is prohibited by section 40(1) of the Land Reform (Scotland) Act 2003 (asp 2), or by virtue of section 37(5)(e) of that Act, the Keeper shall, subject to subsection (5) below, provide the Scottish Ministers with a copy of the application and notify them of the reason for which the application has been rejected.
- (5) Subsection (4) above does not apply where the application has been rejected by reason only of the application not being accompanied by a declaration required under section 43(2) of that Act of 2003.”

67 Construction of references to land in which community interest registered

- (1) Any reference in this Part of this Act (other than a reference in subsection (2) below) to land in which a community interest has been registered includes a reference to part of such land.
- (2) Subsection (1) above shall not operate so as to enable a right to buy land to be exercised by a community body in relation to part only of the land in respect of which the right has arisen.
- (3) Any reference in this Part of this Act to a creditor in a standard security with a right to sell land is a reference to a creditor who has such a right under—
 - (a) section 20(2) or 23(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35); or
 - (b) a warrant granted under section 24(1) of that Act.

[^{F2}67A Calculation of time periods

- (1) In calculating for the purposes of this Part any period of time within which an act requires to be or may be done, no account is to be taken of any public or local holidays in the place where the act is to be done.
- (2) Subsection (1) does not apply to a period of time specified in—
 - (a) section 56(3)(a) or (b),
 - (b) section 60(3), or
 - (c) Chapter 6 of this Part.]

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Textual Amendments

- F2** S. 67A inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), ss. 60, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)

[^{F3}67B Duty to provide information about community right to buy

- (1) Ministers may, for the purpose of monitoring or evaluating any impact that the right to buy land conferred by this Part has had or may have, request a person mentioned in subsection (2) to provide them with the information mentioned in subsection (3).
- (2) The persons are—
 - (a) a community body,
 - (b) the owner or former owner of land in respect of which an application to register a community interest under section 37 was made.
- (3) The information is such information as Ministers may reasonably require for the purpose mentioned in subsection (1) relating to the effects that the operation of the provisions of this Part have had, or may be expected to have, on such matters as may be specified in the request.
- (4) A person to whom a request under subsection (1) is made must, to the extent that the person is able to do so, provide Ministers with the information requested.”. Modifications of Part 3 of Land Reform (Scotland) Act 2003]

Textual Amendments

- F3** S. 67B inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), ss. 61, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)

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