



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 2

#### THE COMMUNITY RIGHT TO BUY

### CHAPTER 2

#### REGISTRATION OF INTERESTS

#### 38 Criteria for registration

- (1) Ministers shall not decide that a community interest is to be entered in the Register unless they are satisfied—
- (a) that the land is registrable land;
  - (b) that—
    - (i) a significant number of the members of the community defined under section 34(1)(a) above have a substantial connection with the land; or
    - (ii) the land is sufficiently near to land with which those members of that community have a substantial connection and that its acquisition by the community body is compatible with furthering the achievement of sustainable development;
  - (c) where the land is salmon fishings or mineral rights, that the community body—
    - (i) has registered or is registering an interest in; or
    - (ii) has acquired or is acquiring,  
other land containing or contiguous to the waters in which those salmon fishings exist or the land in which those mineral rights are exigible;
  - (d) that there is within the community a level of support sufficient to justify such registration; and
  - (e) that it is in the public interest that the community interest be so registered.
- (2) For the purposes of subsection (1)(d) above, Ministers—
- (a) shall regard an indication of the approval of one tenth or more of the members of the community; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) may regard an indication of the approval of less than one tenth of those members,  
as signifying a sufficient level of support.
- (3) References in this section to the community are, as respects a community body, references to the community defined in relation to that body under section 34(1)(a) above.