



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 2

#### THE COMMUNITY RIGHT TO BUY

### CHAPTER 6

#### APPEALS

#### 61 Appeals

- (1) An owner of land may, by summary application, appeal to the sheriff against—
    - (a) a decision by Ministers that a community interest in the land is to be entered in the Register; or
    - (b) a decision by Ministers to give consent to the exercise by a community body of its right to buy the land.
  - (2) A community body may, by summary application, appeal to the sheriff against—
    - (a) a decision by Ministers that its community interest is not to be entered in the Register; or
    - (b) a decision by Ministers not to give consent to the exercise by the community body of its right to buy.
  - (3) A person who is a member of a community <sup>F1</sup>... <sup>F2</sup>... may, by summary application, appeal to the sheriff against—
    - (a) a decision by Ministers that a community interest in land is to be entered in the Register on the application of the community body; or
    - (b) a decision by Ministers to consent to the exercise of the community body's right to buy land.
- [<sup>F3</sup>(3A) A creditor in a standard security with a right to sell land may appeal to the sheriff against—
  - (a) a decision by Ministers that a community interest in the land is to be entered in the Register, or

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*Changes to legislation:* There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 61. (See end of Document for details)

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- (b) a decision by Ministers to give consent to the exercise by a community body of its right to buy the land.]
- (4) An appeal under subsection (1), (2) [<sup>F4</sup>, (3) or (3A)] above shall be lodged within 28 days of the date on which Ministers decided whether to enter the community interest or, as the case may be, whether to consent to the exercise of the right to buy land.
- (5) The sheriff in whose sheriffdom the land or any part of it is situated has jurisdiction to hear an appeal under this section.
- (6) Where an appeal is made—
  - (a) under subsection (1) above the owner shall intimate that fact to—
    - (i) the community body; <sup>F5</sup>...
    - (ii) Ministers; [<sup>F6</sup>and
    - (iii) any creditor in a standard security with a right to sell the land to which the appeal relates;]
  - (b) under subsection (2) above the community body shall intimate that fact to—
    - (i) the owner; <sup>F7</sup>...
    - (ii) Ministers; [<sup>F8</sup>and
    - (iii) any creditor in a standard security with a right to sell the land to which the appeal relates;]
  - (c) under subsection (3) above the member of the community shall intimate that fact to—
    - (i) the community body;
    - (ii) the owner; <sup>F9</sup>...
    - (iii) Ministers [<sup>F10</sup>and
    - (iv) any creditor in a standard security with a right to sell the land to which the appeal relates;][<sup>F11</sup>or
  - (d) under subsection (3A) above, the creditor must intimate that fact to—
    - (i) the community body,
    - (ii) the owner, and
    - (iii) Ministers.]
- (7) The decision of the sheriff in an appeal under this section—
  - (a) may require rectification of the Register;
  - (b) may impose conditions upon the appellant;
  - (c) is final.
- [<sup>F12</sup>(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.
- (9) In subsection (3), the references to the community body are to the community body—
  - (a) in relation to which the community is defined as mentioned in subsection (8) (a); or
  - (b) that relates to the community as mentioned in subsection (8)(b).]

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### Textual Amendments

- F1** Words in s. 61(3) 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(3)(a)** (with art. 3 )
- F2** Words in s. 61(3) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , s. 142(1) , **Sch. 5** ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F3** S. 61(3A) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(a)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F4** Words in s. 61(4) substituted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(b)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F5** Word in s. 61(6)(a) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(c)(i)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F6** S. 61(6)(a)(iii) and word inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(c)(ii)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F7** Word in s. 61(6)(b) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(c)(iii)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F8** S. 61(6)(b)(iii) and word substituted for word (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(c)(iv)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F9** Word in s. 61(6)(c) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(c)(v)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F10** S. 61(6)(c)(iv) and word inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(c)(vi)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F11** S. 61(6)(d) and word inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#) , **ss. 58(c)(vii)** , 142(1) ; [S.S.I. 2015/399](#) , art. 2 , Sch. (with art. 3 )
- F12** S. 61(8)(9) 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(3)(b)** (with art. 3 )

**Changes to legislation:**

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