



Land Reform (Scotland) Act 2003

2003 asp 2

[^{F1}PART 3A

COMMUNITY RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL LAND

[^{F1}97C Right to buy eligible land

- (1) The land which may be bought by a Part 3A community body under this Part is eligible land.
- (2) Land is eligible for the purposes of this Part if in the opinion of Ministers—
 - (a) it is wholly or mainly abandoned or neglected, or
 - (b) the use or management of the land is such that it results in or causes harm, directly or indirectly, to the environmental wellbeing of a relevant community.
- (3) In subsection (2)(b)—
 - (a) “harm”—
 - (i) includes harm the environmental effects of which have an adverse effect on the lives of persons comprising the relevant community mentioned in that subsection,
 - (ii) does not include harm which, in the opinion of Ministers, is negligible,
 - (b) “relevant community”, in relation to a Part 3A community body making an application under section 97G in relation to the land, means—
 - (i) the community defined as mentioned in subsection (9) of section 97D to which the Part 3A community body relates (reading that subsection as if paragraph (b)(ii) were omitted), or
 - (ii) where the Part 3A community body is a body mentioned in section 97D(1)(b), the community to which the body relates.
- (4) In determining whether land is eligible for the purposes of this Part, Ministers must have regard to prescribed matters.
- (5) Eligible land does not include—
 - (a) land on which there is a building or other structure which is an individual's home other than a building or other structure which is occupied by an individual under a tenancy,

*Changes to legislation: There are currently no known outstanding effects for the
Land Reform (Scotland) Act 2003, Section 97C. (See end of Document for details)*

- (b) such land pertaining to land of the type mentioned in paragraph (a) as may be prescribed,
 - (c) eligible croft land (as defined in section 68(2)),
 - (d) any croft occupied or worked by its owner or a member of its owner's family,
 - (e) land which is owned or occupied by the Crown by virtue of its having vested as *bona vacantia* in the Crown, or its having fallen to the Crown as *ultimus haeres*,
 - (f) land of such other descriptions or classes as may be prescribed.
- (6) Ministers may prescribe—
- (a) descriptions or classes of building or structure which are, or are to be treated as, a home for the purposes of paragraph (a) of subsection (5),
 - (b) descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy for the purposes of that paragraph.
- (7) In subsection (5)(d), the reference to a croft being occupied includes—
- (a) a reference to its being occupied otherwise than permanently, and
 - (b) a reference to its being occupied by way of the occupation by its owner of any dwelling-house on or pertaining to it.]

Textual Amendments

- F1** Pt. 3A inserted (30.6.2017 for specified purposes, 27.6.2018 in so far as not already in force) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 74, 142(1)**; [S.S.I. 2017/192](#), art. 2; [S.S.I. 2018/139](#), art. 2(a)

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