



Land Reform (Scotland) Act 2003

2003 asp 2

[^{F1}PART 3A

COMMUNITY RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL LAND

[^{F1}97T Compensation

- (1) Any person, including an owner or former owner of land, who has incurred loss or expense—
 - (a) in complying with the requirements of this Part following the making of an application under section 97G by a Part 3A community body,
 - (b) as a result of the withdrawal by the Part 3A community body of its confirmation under section 97P or its failure otherwise to complete the purchase after having so confirmed its intention under that section, or
 - (c) as a result of the failure of the Part 3A community body which made that application to complete the purchase,is entitled to recover the amount of that loss or expense from the Part 3A community body.
- (2) There is no such entitlement where the application made under section 97G is refused.
- (3) Where such an application has been refused, the owner of the land who has incurred loss or expense as mentioned in subsection (1)(a) is entitled to recover the amount of that loss or expense from Ministers.
- (4) Ministers may, by order, make provision for or in connection with specifying—
 - (a) amounts payable in respect of loss or expense incurred as mentioned in subsection (1),
 - (b) amounts payable in respect of loss or expense incurred by virtue of this Part by a person of such other description as may be specified,
 - (c) the person who is liable to pay those amounts,
 - (d) the procedure under which claims for compensation under this section are to be made.
- (5) Where, at the expiry of such period of time as may be fixed for the purposes of this subsection by an order under subsection (4)(d), any question as to whether compensation is payable or as to the amount of any compensation payable has not

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been settled as between the parties, either of them may refer the question to the Lands Tribunal.

- (6) Where either of the parties refers a question to the Lands Tribunal as mentioned in subsection (5), the party so referring the question must, within 7 days of the date of referring it, notify Ministers in writing of—
- (a) the referral of the question, and
 - (b) the date of referring the question.
- (7) The Lands Tribunal must send a copy of its findings on a question referred to it under subsection (5) to Ministers.
- (8) Failure to comply with subsection (6) or (7) has no effect on—
- (a) the Part 3A community body's right to buy the land, or
 - (b) the validity of the referral of the question under subsection (5).
- (9) The duty in subsection (6) does not apply where the party referring the question mentioned in that subsection is Ministers.]

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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