



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 4

COMMUNITY RIGHTS TO BUY LAND

Modifications of Part 2 of Land Reform (Scotland) Act 2003

41 Criteria for registration of interest in land

In section 38 of the 2003 Act (criteria for registration)—

(a) in subsection (1)(b)—

- (i) after “that”, where it first occurs, insert “the acquisition of the land by the community body to which the application relates is compatible with furthering the achievement of sustainable development, and that”,
- (ii) in sub-paragraph (i), the words “defined under section 34(1)(a) above” are repealed,
- (iii) the word “or” immediately following sub-paragraph (i) is repealed,
- (iv) in sub-paragraph (ii), for “that”, where it first occurs, substitute “the”,
- (v) in that sub-paragraph, the words from “and” to the end of the sub-paragraph are repealed, and
- (vi) after that sub-paragraph, insert—

“(iii) where the community body is a body mentioned in section 34(A1)(a), the land is in or sufficiently near to the area of the community by reference to which the community is defined as mentioned in section 34(5)(a), or

(iv) where the community body is a body mentioned in section 34(A1)(b), the land is in or sufficiently near to the area of the community to which the body relates.”,

(b) in subsection (2), at the beginning, insert “Subject to subsection (2A) below,”,

Status: This is the original version (as it was originally enacted).

- (c) after that subsection, insert—
- “(2A) Ministers may not take into account, for the purposes of subsection (2), the approval of a member of the community if the approval was indicated earlier than 6 months before the date on which the application to register the community interest in land to which the approval relates was made.
- (2B) Ministers may by regulations amend subsection (2A) so as to substitute for the period of time for the time being specified there a different period of time (not being less than 6 months).”, and
- (d) in subsection (3), for “above”, substitute “, (1A)(a) or (1B)(a), or where that body is a body mentioned in section 34(A1)(b), the community to which that body relates”.