



Land Reform (Scotland) Act 2016

2016 asp 18

PART 5

RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

Applications for consent

55 Right to buy: application procedure

- (1) On receipt of an application under section 54, the Scottish Ministers must—
 - (a) invite—
 - (i) the owner of the land,
 - (ii) where the application is to buy a tenant's interest, the tenant,
 - (iii) any creditor in a standard security over the land or any part of it,
 - (iv) where the application nominates a third party purchaser, the third party purchaser, and
 - (v) any other person whom the Scottish Ministers consider to have an interest in the application,to send them, so as to be received not later than 60 days after the sending of the invitation, views in writing on the application,
 - (b) take reasonable steps to invite the owners of all land contiguous to the land to which the application relates to send them, so as to be received not later than 60 days after the sending of the invitation, views in writing on the application, and
 - (c) send copies of invitations given under paragraphs (a) and (b) to the Part 5 community body.
- (2) An invitation given under subsection (1)(a)(i) or (ii) must also invite the owner or, as the case may be, the tenant to give the Scottish Ministers information about—
 - (a) the owner's or tenant's views on the likely impact on the owner or tenant of the proposals for the land or tenant's interest, including on the current use of the land or tenant's interest (and any intended use),
 - (b) whether the owner or tenant considers that the proposals for the land or tenant's interest satisfy the sustainable development conditions set out in section 56(2) and, if not, the owner or tenant's reasons,

Status: This is the original version (as it was originally enacted).

- (c) any rights or interests in the land of which the owner or tenant is aware that are not mentioned in the application, and
 - (d) any other matter that the owner or tenant considers is relevant to the application.
- (3) The Scottish Ministers must, as soon as reasonably practicable after receiving an application, give public notice of it and of the date by which, under subsection (1) (a), views are to be received by them and, in that notice, invite persons to send to the Scottish Ministers, so as to be received by them not later than 60 days after the publication of the notice, views in writing on the application.
- (4) That public notice is to be given by advertisement in such manner as the Scottish Ministers may by regulations specify.
- (5) The Scottish Ministers must—
 - (a) send copies of any views they receive under this section to the Part 5 community body, and
 - (b) invite it to send them, so as to be received by them not later than 60 days after the sending of that invitation, its responses to these views.
- (6) The Scottish Ministers must, when considering whether to consent to an application under section 54, have regard to all views on it and responses to the views which they have received in answer to invitations under this section.
- (7) The Scottish Ministers must decline to consider an application which—
 - (a) does not comply with the requirements of or imposed under section 54,
 - (b) is otherwise incomplete, or
 - (c) otherwise indicates that it is one which the Scottish Ministers would be bound to reject,and the Scottish Ministers are not required to comply with subsections (1) to (6) in relation to such an application.
- (8) The Scottish Ministers must not reach a decision on an application before—
 - (a) the date which is 60 days after the last date on which the Part 5 community body may provide the Scottish Ministers with a response to the invitation given under subsection (5), or
 - (b) if by that date the Lands Tribunal has not advised the Scottish Ministers of its finding on any question referred to it under section 71 in relation to the application, the date on which the Lands Tribunal provides the Scottish Ministers with that finding.
- (9) A Part 5 community body or, as the case may be, a third party purchaser may require the Scottish Ministers to treat as confidential any information or document relating to arrangements for the raising or expenditure of money to enable the land to be put to a particular use, being information or a document made available to the Scottish Ministers for the purposes of this section and section 54.