



Land Reform (Scotland) Act 2016

2016 asp 18

PART 5

RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

Appeals and references

69 Appeals to sheriff

- (1) An owner of land may appeal to the sheriff against a decision by the Scottish Ministers to give consent to an application made under section 54.
- (2) Where such an application is to buy a tenant's interest, the tenant may appeal to the sheriff against a decision by the Scottish Ministers to give consent to the application.
- (3) A Part 5 community body may appeal to the sheriff against a decision by the Scottish Ministers not to give consent to an application made under section 54.
- (4) Subsection (3) does not extend to the Scottish Ministers' decision under section 58 on which of two or more applications made under section 54 to buy the same land or tenant's interest is to proceed.
- (5) A person who is a member of a community (defined under section 49(9)) to which an application relates may appeal to the sheriff against a decision by the Scottish Ministers to give consent to an application made under section 54.
- (6) A creditor in a standard security with a right to sell land may appeal to the sheriff against a decision by the Scottish Ministers to give consent to an application made under section 54.
- (7) An appeal under this section must be lodged within 28 days of the date of the Scottish Ministers' decision on an application made under section 54.
- (8) The sheriff in whose sheriffdom the land which is the subject of the application (or, as the case may be, over which the tenancy has been created) or any part of it is situated has jurisdiction to hear an appeal under this section.
- (9) Where an appeal is made—
 - (a) under subsection (1) the owner must intimate that fact to—

Status: This is the original version (as it was originally enacted).

- (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) where the application is to buy a tenant’s interest, the tenant,
 - (iv) the Scottish Ministers, and
 - (v) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (b) under subsection (2) the tenant must intimate that fact to—
 - (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) the owner,
 - (iv) the Scottish Ministers, and
 - (v) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (c) under subsection (3) the Part 5 community body must intimate that fact to—
 - (i) where the application nominates a third party purchaser, the third party purchaser,
 - (ii) the owner,
 - (iii) where the application is to buy a tenant’s interest, the tenant,
 - (iv) the Scottish Ministers, and
 - (v) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (d) under subsection (5) the member of the community must intimate that fact to—
 - (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) the owner,
 - (iv) where the application is to buy a tenant’s interest, the tenant,
 - (v) the Scottish Ministers, and
 - (vi) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (e) under subsection (6) the creditor must intimate that fact to—
 - (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) the owner,
 - (iv) where the application is to buy a tenant’s interest, the tenant, and
 - (v) the Scottish Ministers.
- (10) The decision of the sheriff in an appeal under this section—
- (a) may require rectification of the New Register,
 - (b) may impose conditions upon the appellant,
 - (c) is final.