



Land Reform (Scotland) Act 2016

2016 asp 18

PART 5

RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

Appeals and references

70 Appeals to Lands Tribunal: valuation

- (1) The following persons may appeal to the Lands Tribunal against a valuation carried out under section 65—
 - (a) the owner of the land,
 - (b) where the application is to buy a tenant's interest, the tenant,
 - (c) the Part 5 community body,
 - (d) where the application nominates a third party purchaser, the third party purchaser.
- (2) The following persons may appeal to the Lands Tribunal against a determination carried out under section 66—
 - (a) the tenant,
 - (b) the Part 5 community body,
 - (c) where the application nominates a third party purchaser, the third party purchaser.
- (3) An appeal under this section must state the grounds on which it is being made and must be lodged within 21 days of the date of receiving notice of assessed value under section 65(13).
- (4) In an appeal under this section, the Lands Tribunal may—
 - (a) reassess the value of the land or, as the case may be, the tenant's interest,
 - (b) substitute its own determination for any determination under section 66.
- (5) The valuer whose valuation or determination is appealed against may be a witness in the appeal proceedings.

Status: This is the original version (as it was originally enacted).

- (6) The Lands Tribunal must give reasons for its decision on an appeal under this section and must issue a written statement of those reasons—
 - (a) within 8 weeks of the hearing of the appeal, or
 - (b) where subsection (7) applies, by such later date referred to in paragraph (b)(ii) of that subsection.
- (7) This subsection applies where—
 - (a) the Lands Tribunal considers that it is not reasonable to issue a written statement by the time limit specified in subsection (6)(a), and
 - (b) before the expiry of that time limit, the Lands Tribunal has notified the parties to the appeal—
 - (i) that the Lands Tribunal is unable to issue a written statement by that time limit, and
 - (ii) of the date by which the Lands Tribunal will issue such a written statement.
- (8) The validity of anything done under this Part is not affected by any failure of the Lands Tribunal to issue a written statement by the date referred to in subsection (6)(a) or (7)(b)(ii).
- (9) Where a person appeals under subsection (1) or (2), the person must, within 7 days of the date on which the appeal is made, notify the Scottish Ministers in writing of—
 - (a) the making of the appeal, and
 - (b) the date of the making of the appeal.
- (10) The Lands Tribunal must send a copy of the written statement of reasons issued under subsection (6) to the Scottish Ministers.
- (11) Failure to comply with subsection (9) or (10) has no effect on—
 - (a) the right to buy of the Part 5 community body or, as the case may be, of the third party purchaser, or
 - (b) the validity of the appeal under this section.
- (12) The Scottish Ministers are not competent parties to any appeal under this section by reason only that they appointed the valuer whose valuation or determination is the subject of the appeal.
- (13) The Scottish Ministers' powers under the Lands Tribunal Act 1949 to make rules as respects that Tribunal extend to such rules as may be necessary or expedient to give full effect to this section.