



# Land Reform (Scotland) Act 2016

## 2016 asp 18

### PART 5

#### RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

##### *Appeals and references*

#### **71 Reference to Lands Tribunal of questions on applications**

- (1) At any time before the Scottish Ministers reach a decision on an application which has been made under section 54 the following persons may refer to the Lands Tribunal any question relating to the application—
  - (a) the Scottish Ministers,
  - (b) any person who is a member of the community as defined in section 49 in relation to the applicant Part 5 community body,
  - (c) the owner of the land,
  - (d) where the application is to buy a tenant's interest, the tenant,
  - (e) any person who has any interest in the land giving rise to a right which is legally enforceable by that person, or
  - (f) any person who is invited, under section 55(1)(a)(v), to send views to the Scottish Ministers on the application.
- (2) In considering any question referred to it under subsection (1), the Lands Tribunal may have regard to any representations made to it by—
  - (a) the applicant Part 5 community body,
  - (b) the owner of the land,
  - (c) where the application is to buy a tenant's interest, the tenant, or
  - (d) any other person who, in the opinion of the Lands Tribunal, appears to have an interest.
- (3) The Lands Tribunal—
  - (a) must advise the Scottish Ministers of its finding on any question so referred, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) may, by order, provide that the Scottish Ministers may consent to the application only if they impose, under section 59, such conditions as the Lands Tribunal may specify.
- (4) If the Lands Tribunal considers any question referred to it under this section to be irrelevant to the Scottish Ministers' decision on the application to which it relates, it may decide to give no further consideration to the question and find accordingly.
- (5) Where a person refers a question to the Lands Tribunal under subsection (1), the person must, within 7 days of the date of referring it, notify the Scottish Ministers of—
  - (a) the reference, and
  - (b) the date of reference.
- (6) Failure to comply with subsection (3)(a) or (5) has no effect on—
  - (a) the validity of the application under section 54 by the Part 5 community body,
  - (b) the right to buy of the Part 5 community body or, as the case may be, of the third party purchaser, or
  - (c) the validity of the reference under subsection (1).