
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 400

The Community Right to Buy (Scotland) Regulations 2015

PART 1

Introductory and general

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Community Right to Buy (Scotland) Regulations 2015 and come into force on 15th April 2016.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Land Reform (Scotland) Act 2003;

“application to register a community interest in land” means an application to register a community interest in land under section 37(1) of the Act;

“charity number” means the number used by the Office of the Scottish Charity Regulator to identify a charity that is registered on the Scottish Charity Register in accordance with the Charities and Trustee Investment (Scotland) Act 2005(1);

“community interest in land” means a community interest in land registered under section 37(2) of the Act;

“company number” means the unique number allocated to every company, known as the company’s registered number, in accordance with section 1066 of the Companies Act 2006(3); and

“registration number” means a number attributed to a community benefit society when it is registered under section 3 of the Co-operative and Community Benefit Societies Act 2014(4).

(3) Parts 2 to 9 of these Regulations apply only in relation to—

- (a) an application to register a community interest in land made on or after 15th April 2016;
- (b) a community interest in land which relates to an application to register a community interest in land made on or after 15th April 2016;
- (c) any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made on or after 15th April 2016;
- (d) a type of area specified in regulation 2 where—
 - (i) any such type of area relates to a community body; and
 - (ii) the community body makes an application to register a community interest in land on or after 15th April 2015;

(1) 2005 asp 10.

(2) Section 37 is amended by section 40 of, and paragraph 8(2) of schedule 4 to, the 2015 Act.

(3) 2006 c.46.

(4) 2014 c.14.

- (e) maps, plans or other drawings that must be provided under section 41(3)(b)(5) of the Act where these describe land in respect of which a community interest in land is registered and that interest relates to an application to register a community interest in land made on or after 15th April 2016;
- (f) a notice or notification that is required to be—
 - (i) affixed to land as required by section 37(4)(b)(6) of the Act where the public notice under section 37(4)(b) is given on or after 15th April 2016;
 - (ii) sent under section 37(17) of the Act where the notice relates to an application to register a community interest in land made on or after 15th April 2016;
 - (iii) given under section 48(1) of the Act where the notification relates to land in respect of which a community interest in land is registered and that interest relates to an application to register a community interest in land made on or after 15th April 2016; or
 - (iv) sent by Ministers under section 49(2) of the Act where the notice relates to the exercise of a right to buy land arising under Part 2 of the Act in which the community interest in land relates to an application to register a community interest in land made on or after 15th April 2016;
- (g) the procedure for recovering losses and expenses under section 63(1)(a) of the Act in relation to loss or expense incurred in complying with the procedural requirements of Part 2 of the Act in relation to—
 - (i) an application to register a community interest in land made on or after 15th April 2016;
 - (ii) a community interest in land that relates to an application to register a community interest in land made on or after 15th April 2016; or
 - (iii) any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made on or after 15th April 2016;
- (h) the procedure for recovering losses and expenses under section 63(1)(b) of the Act as a result of failure by a community body to comply with an order of the Lands Tribunal under section 57(7) of the Act in relation to any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered, or the exercise of such a right, where that interest relates to an application to register a community interest in land made on or after 15th April 2016;
- (i) the procedure for recovering losses and expenses under section 63(1)(c) of the Act attributable to a prohibition imposed under section 37(5)(e) of the Act in relation to an application to register a community interest in land made on or after 15th April 2016; or
- (j) the procedure for recovering losses and expenses under section 63(1)(d) of the Act as a result of the operation of section 56(3)(a)(8) or (b) of the Act in relation to the exercise of any right to buy land arising under Part 2 of the Act in which a community interest in land has been registered where that interest relates to an application to register a community interest in land made on or after 15th April 2016.

(5) Section 41(3) is inserted by section 44 of the 2015 Act.

(6) Section 37(4)(b) is amended by section 40(a) of the 2015 Act.

(7) Section 57 is amended by section 55 of the 2015 Act.

(8) Section 56(3)(a) is amended by section 54(a) of the 2015 Act.