

**2018 No. 140**

**LAND REFORM**

**The Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018**

<i>Made</i> - - - -	<i>1st May 2018</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd May 2018</i>
<i>Coming into force</i> - -	<i>27th June 2018</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 97D(9), 97G(5)(a) and (c) and (12), 97J(2), (3), (4), (7) and (8), 97M(1) and (2) and 97U(6) of the Land Reform (Scotland) Act 2003(a), and section 52(10)(b) of the Land Reform (Scotland) Act 2016(b) and all other powers enabling them to do so.

**PART 1**

**Introductory**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018 and come into force on 27th June 2018.

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

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

“ballot deadline” has the meaning given in regulation 6(3)(b);

“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(c);

“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 (company’s registered numbers)(d);

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(a) 2003 asp 2. Sections 97D, 97G, 97J, 97M and 97U were inserted by the Community Empowerment (Scotland) Act 2015 (asp 6), section 74. Section 98(1) of the Land Reform (Scotland) Act 2003 contains definitions of ‘Ministers’ and ‘prescribed’ relevant to the exercise of the statutory powers under which these Regulations are made.

(b) 2016 asp 18.

(c) 2005 asp 10.

(d) 2006 c.46.

“constitution” has the meaning given in section 50 of the Charities and Trustee Investment (Scotland) Act 2005 (constitution and powers)(a);

“Part 3A community body” means a Part 3A community body within the meaning given in section 97D(1) of the Act (part 3A community bodies);

“registered rules” has the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014 (interpretation of act)(b); 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 (registration).

## PART 2

### Applications under section 97G of the Act

#### **Form of application for consent of Ministers**

2. For the purposes of section 97G of the Act (right to buy: application for consent), an application by a Part 3A community body must—

- (a) be made in the form specified in schedule 1; and
- (b) include or be accompanied by information of the kind specified in that schedule.

#### **Specifications for maps, plans or other drawings relating to land**

3. A map, plan or other drawing that is referred to in schedule 1 must—

- (a) be drawn to a metric scale corresponding to a scale used by the Ordnance Survey for that land;
- (b) be taxative and not demonstrative only;
- (c) show the compass orientation of north;
- (d) contain map grid reference numbers and sufficient surrounding details (fences, houses etc.) to enable the position of the land to be fixed accurately;
- (e) show the boundaries of the land; and
- (f) where measurements are given, give those measurements to one decimal place.

#### **Manner in which application for consent must be publicly notified**

4. Ministers must give public notice of an application as required by section 97G(11) of the Act by way of an advertisement in one or both of the following:—

- (a) a digital or paper edition of a newspaper circulating in the area where the community is located;
- (b) a publicly accessible webpage or website maintained by Ministers for purposes which include making available for inspection any public notice of an application for consent under this regulation.

#### **Notification of Ministers’ decision on application**

5. For the purposes of section 97M(1) of the Act (notification of Ministers’ decision on application), the form of written notice of Ministers’ decision on an application under section 97G is specified in schedule 2.

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(a) 2005 asp 10.  
(b) 2014 c.14.

## PART 3

### Ballot for purpose of section 97J of the Act

#### *Conduct of ballot*

#### **Conduct of ballot**

**6.**—(1) The ballot for the purpose of section 97J(1) of the Act (ballot to indicate approval for purposes of section 97H) must be conducted—

- (a) in a fair and reasonable manner; and
- (b) as a secret postal ballot.

(2) The Part 3A community body must ascertain the persons eligible to vote in the ballot, those persons being members of the community as defined for the purposes of section 97D(2)(a), (3)(a) or (4)(a) of the Act as the case may be<sup>(a)</sup>.

(3) The Part 3A community body must send to each person eligible to vote a ballot paper with—

- (a) the question on which the vote is to be taken;
- (b) the date and time, being not less than 10 days after the date of posting, by which the ballot must be returned (“the ballot deadline”); and
- (c) the information specified in paragraph (4).

(4) The Part 3A community body must send to each person eligible to vote—

- (a) a description of the land and details of any rights or interests in respect of an owner, creditor or third party that are associated with the land;
- (b) the basis on which the Part 3A community body asserts that the land is eligible land for the purposes of Part 3A of the Act;
- (c) a description of the Part 3A community body’s proposals for the land;
- (d) details of how further information may be obtained on the Part 3A community body’s proposals for the land and other matters relating to the ballot;
- (e) the name of the Part 3A community body, as it appears on the Part 3A community body’s memorandum and articles of association, constitution or registered rules;
- (f) the Part 3A community body’s company number, charity number or registration number; and
- (g) the Part 3A community body’s contact details, including a contact name, postal address, email address and telephone number.

(5) The Part 3A community body must provide to each person eligible to vote a stamped addressed envelope for returning the completed ballot paper.

#### **Proxy votes**

**7.**—(1) A person eligible to vote in the ballot may make a request to the Part 3A community body to be permitted a proxy vote.

(2) The request under paragraph (1) must be made in writing and must—

- (a) state the name and address of the eligible voter;
- (b) state the name and address of another person who is eligible to vote whom the eligible voter wishes to appoint as a proxy;
- (c) be signed by the eligible voter who is appointing the proxy;

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(a) Section 97D(9) of the Act sets out how a community is defined for the purposes of section 97D(2)(a), (3)(a) or (4)(a) of the Act.

- (d) contain a statement confirming that the eligible voter has consulted the proxy and that the proxy is capable and willing of acting as proxy; and
- (e) be received by the Part 3A community body not later than 1700 hours on the day before the ballot deadline.

(3) The Part 3A community body must permit the proxy vote if the request is made in accordance with this regulation.

### *Ballot result*

#### **Observer of ballot result**

**8.**—(1) Before conducting the ballot, a Part 3A community body must appoint an observer to oversee, in person—

- (a) the counting of the votes made on the completed ballot papers; and
- (b) the recording of the result.

(2) The observer must—

- (a) be an individual who is independent of the Part 3A community body; and
- (b) sign the declaration on the form specified in schedule 4 confirming that the person oversaw, in person, the counting of the votes made on the completed ballot papers and the recording of the result in accordance with paragraph (1).

#### **Publication of ballot result**

**9.**—(1) The Part 3A community body must, not later than 14 days beginning with the ballot deadline, publish the result of the ballot in the form and manner provided in paragraphs (2) and (3).

(2) The result of the ballot must—

- (a) be provided in the form specified in schedule 3; and
- (b) include or be accompanied by information of the kind specified in that schedule.

(3) The result of the ballot must be published—

- (a) in a digital or paper edition of a newspaper circulating in the area where the community is located; and
- (b) on a publicly accessible webpage or website that is operated by or on behalf of the Part 3A community body, if such a webpage or website exists.

#### **Form of return to Ministers of ballot result**

**10.** For the purposes of section 97J(4) of the Act a return to Ministers notifying the matters mentioned in paragraphs (a) to (d) of section 97J(4) must be in the form specified in schedule 4.

### *Requirement to retain and share ballot information*

#### **Retention and provision of information by the Part 3A community body**

**11.**—(1) The Part 3A community body must retain the information in paragraph (2) for a period of 2 years after the ballot deadline.

(2) The information referred to in paragraph (1) is—

- (a) evidence that regulation 6 was complied with including a copy of all information provided to the community in advance of the ballot in accordance with regulation 6(3) and (4);
- (b) all requests for a proxy vote under regulation 7;

- (c) a record of the proxy votes permitted under regulation 7; and
- (d) all completed and returned ballot papers.

*Reimbursement of expense of conducting ballot*

**Application for reimbursement**

**12.**—(1) A Part 3A community body may apply to Ministers for reimbursement of the expense of conducting a ballot in accordance with section 97J of the Act.

(2) An application under paragraph (1) must be made on or after the date that an application is made under section 97G of the Act and no later than the date as determined in accordance with paragraph (3) or (4) as the case may be.

(3) If the Part 3A community body is refused consent to exercise the right to buy land, the date is the earlier of—

- (a) the day after the expiry of the time period specified in section 97V(6) of the Act (appeals) for lodging an appeal against the decision on an application under section 97G of the Act, but only if no appeal is lodged within that period; or
- (b) the day on which the sheriff issues a decision in an appeal under section 97V of the Act, but only if the outcome of the appeal is that the Part 3A community body is refused consent to exercise the right to buy land.

(4) If the Part 3A community body is given consent to exercise the right to buy land, the date is the earliest of—

- (a) the expiry of the period specified in section 97P(1) of the Act (confirmation of intention to proceed with purchase and withdrawal), but only if the Part 3A community body did not, within that period, notify Ministers and the owner of the land of its intention to proceed to buy the land;
- (b) the date of notice of withdrawal of the application under section 97P(2)(a) of the Act;
- (c) the date of notice of withdrawal of the confirmation of intention to proceed under section 97P(2)(b) of the Act;
- (d) the date on which the Part 3A community body's application is treated as withdrawn under section 97R(5) of the Act (completion of transfer); or
- (e) the day on which the transfer of the land is completed under section 97R of the Act.

**Information to be included in application for reimbursement**

**13.**—(1) An application under regulation 12(1) for reimbursement of the expense of conducting a ballot must include the following information:—

- (a) the name of the Part 3A community body, as it appears on the body's memorandum and articles of association, constitution or registered rules;
- (b) the Part 3A community body's company number, charity number or registration number;
- (c) the Part 3A community body's contact details, including a contact name, postal address, email address and telephone number;
- (d) the date on which the Part 3A community body made its application under section 97G of the Act;
- (e) the ballot deadline;
- (f) the question on which the vote was taken;
- (g) details of the Part 3A community body's bank account into which the amount of any reimbursement is to be paid; and
- (h) a statement setting out all costs that were incurred in conducting the ballot in accordance with paragraph (2).

(2) For each cost the Part 3A community body must provide—

- (a) the date on which the cost was incurred;
- (b) a brief description of the goods or services to which the cost relates;
- (c) evidence that the cost was incurred in conducting the ballot; and
- (d) the date on which the goods or services to which the cost relates were provided.

(3) The Part 3A community body may include with its application any other information that it considers to be relevant.

#### **Ministers may request further information before making decision**

**14.**—(1) No later than the expiry of 30 days beginning with the date on which Ministers receive an application under regulation 12(1), Ministers may request from the Part 3A community body any further information that Ministers consider to be necessary for the purpose of making a decision under regulation 15.

(2) The Part 3A community body must respond to a request under paragraph (1) no later than 7 days after the date on which the Part 3A community body receives it, by—

- (a) providing the requested information; or
- (b) explaining why the information cannot be provided.

#### **Decision of Ministers on application for reimbursement**

**15.**—(1) No later than the expiry of 60 days beginning with the date on which Ministers receive an application for reimbursement under regulation 12(1), Ministers must—

- (a) calculate the amount to be reimbursed by—
  - (i) calculating the expense of conducting the ballot in accordance with paragraphs (2) and (3); and
  - (ii) subtracting from the total amount any expense that they consider would not have been reasonably incurred in the conduct of the ballot;
- (b) notify the Part 3A community body of the amount calculated under sub-paragraph (a) and the reasons for any decisions made in the course of making that calculation; and
- (c) pay to the Part 3A community body the amount calculated under sub-paragraph (a), if any amount is to be paid.

(2) When calculating the expense of conducting the ballot, Ministers must disregard that portion of each expense identified in the application that they consider to be—

- (a) directly attributable to activities other than those specified in regulation 6; or
- (b) incurred retrospectively.

(3) For the purpose of paragraph (2)(b), an expense is incurred retrospectively if it is incurred after the provision of the goods or services to which it relates, where those goods or services were initially provided on a no-cost basis.

#### **Appeal against Ministers' decision under regulation 15**

**16.**—(1) A Part 3A community body has a right of appeal to the Lands Tribunal against a decision of Ministers under regulation 15.

(2) Any appeal under paragraph (1) must be lodged within 28 days beginning with the date that the Part 3A community body receives notice of the decision.

(3) The Lands Tribunal may, after making its own assessment under regulation 15 of the amount, if any, to be reimbursed, make an order requiring Ministers to reimburse a specified amount of expense to a Part 3A community body.

(4) There is no right of appeal of a decision of the Lands Tribunal under this regulation.

## PART 4

### Miscellaneous matters

#### Prescribed types of area for defining community

**17.**—(1) For the purposes of section 97D(9) of the Act, the types of area by reference to which a community is defined are—

- (a) an electoral ward;
- (b) the area of a community council;
- (c) a postcode area;
- (d) a postcode district;
- (e) a postcode sector;
- (f) an island;
- (g) a locality delineated on the maps included in the Population Estimates for Settlements and Localities in Scotland, Mid-2016 published on 12th March 2018<sup>(a)</sup>; or
- (h) a settlement delineated on the maps included in the Population Estimates for Settlements and Localities in Scotland, Mid-2016 published on 12th March 2018.

(2) In this regulation—

“electoral ward” means a ward within the meaning of section 1 of the Local Governance (Scotland) Act 2004<sup>(b)</sup>;

“area of a community council” means an area of a community council established in accordance with Part IV of the Local Government (Scotland) Act 1973<sup>(c)</sup>;

“postcode area” means an area that—

- (a) is given a unique alphabetic coding to facilitate the delivering of mail; and
- (b) is identified by one or two alphabetical characters at the start of the full postcode, the letters being derived from a town, city or district falling within that postcode area;

“postcode district” means a sub-area of a postcode area and is identified by the characters within the first half of a full postcode, which may be numeric, alphabetic or alpha-numeric; and

“postcode sector” means a sub-area of a postcode district and is identified by the postcode district, the single space and the first character of the second half of the postcode unit.

#### Charges for copies of entries in register

**18.**—(1) The charges for copies of entries in the Register of Applications by Community Bodies to Buy Land kept under section 52(1) of the Land Reform (Scotland) Act 2016<sup>(d)</sup> (register of applications by community bodies to buy land) are—

- (a) £30 for an extract of registration or colour plan; and
- (b) £16 for a plain copy of registration or black and white plan.

(2) The amounts specified in paragraph (1) are subject to the addition of VAT.

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(a) A National Statistics publication, available via the following weblink: <https://www.nrscotland.gov.uk/news/2018/population-estimates-for-settlements-and-localities-mid-2016>.

(b) 2004 asp 9.

(c) 1973 c.65. Section 51 is amended by the Local Government etc. (Scotland) Act 1994 (c.39), schedule 14. Section 53 is amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23), section 25 and schedules 2 and 4.

(d) 2016 asp 18.

### **Grant towards liability for compensation**

**19.**—(1) An application for a grant under section 97U of the Act (grants towards Part 3A community bodies' liabilities to pay compensation) must—

- (a) be in the form specified in schedule 5; and
- (b) include information of the kind specified in that schedule.

(2) An application for a grant under paragraph (1) must be submitted to Ministers within the period of 90 days beginning with—

- (a) the date on which the Part 3A community body and the claimant agreed the amount of compensation payable; or
- (b) the date on which the Lands Tribunal determined a question referred to it under section 97T(5) of the Act (compensation) as to the amount, if any, of compensation payable.

(3) Ministers must—

- (a) acknowledge receipt of an application for a grant made in accordance with paragraph (1) within 7 days of receiving it; and
- (b) issue their decision on an application for the grant within the period of 28 days beginning with the date that they received it.

*ROSEANNA CUNNINGHAM*  
A member of the Scottish Government

St Andrew's House,  
Edinburgh  
1st May 2018

# SCHEDULE 1

Regulation 2

## APPLICATION FOR CONSENT TO EXERCISE RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL LAND

Official Use	
Code	APP
Received Date	



**Land Reform (Scotland) Act 2003: Part 3A Community Right to Buy  
Abandoned, Neglected or Detrimental Land  
Application for Consent to Exercise Right to Buy  
Section 97G of the Land Reform (Scotland) Act 2003**

### Notes:

1. This form is to be used by a Part 3A community body applying for consent to exercise the right to buy land under Part 3A of the Land Reform (Scotland) Act 2003 ("the Act").
2. Only a Part 3A community body within the meaning of section 97D of the Act is entitled to make this application. Note that section 97D(6) of the Act requires that Ministers have given confirmation to the Part 3A community body, in writing, that they are satisfied that the body's main purpose is consistent with furthering the achievement of sustainable development.
3. Before making this application, a Part 3A community body must have conducted a ballot in accordance with section 97J of the Act. The ballot must have been conducted during the period of 6 months which immediately preceded the date on which this application is made.
4. You may download this form and complete it manually or electronically.
5. If you complete the form manually, please do so using black or blue ink and capital letters.
6. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
  - o indicate on the form where any answer is given or continued on a separate sheet,
  - o indicate on each separate sheet the question number(s) to which it relates.
7. You may submit the completed form and attached documents -
  - o electronically to [crtb@gov.scot](mailto:crtb@gov.scot), or
  - o by post to Community Land Team, D Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.
8. For more information and guidance on the community right to buy abandoned, neglected or detrimental land (including how to submit this form), please visit [www.gov.scot](http://www.gov.scot) and search for "community right to buy".

## SECTION 1 — WHO IS APPLYING

1.1 Please provide the name of the Part 3A community body (“CB”) applying for consent to exercise a right to buy abandoned, neglected or detrimental land.

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## SECTION 2 — DETAILS OF WHO IS APPLYING

2.1 Please supply the registered or principal office of the CB.

<b>Postal Address:</b>	
<b>Town:</b>	
<b>County:</b>	
<b>Country:</b>	
<b>Postcode:</b>	

2.2 Please supply the address the CB wishes correspondence in relation to the community right to buy process to be issued to.

<b>Contact Name:</b>	
<b>Postal Address:</b>	
<b>Town:</b>	
<b>County:</b>	
<b>Country:</b>	
<b>Postcode:</b>	
<b>Telephone:</b>	
<b>Email:</b>	

**2.3** Please mark an “X” in the relevant box to confirm the type of CB and enter its official number.

<input type="checkbox"/>	Company Limited by Guarantee (CLBG) and its company number is:	<input style="width: 150px; height: 20px;" type="text"/>
<input type="checkbox"/>	Scottish Charitable Incorporated Organisation (SCIO) and its charity number is:	<input style="width: 150px; height: 20px;" type="text"/>
<input type="checkbox"/>	Community Benefit Society (BenCom) and its registration number is:	<input style="width: 150px; height: 20px;" type="text"/>

This application must be accompanied by a copy of the CB's governing documents (i.e. memorandum and articles of association, constitution or registered rules) and evidence of the company, charity or registration number (e.g. its official number). Please mark an “X” confirming that such a copy and evidence accompanies this application.

**2.4** Please provide the definition of the community as set out in the CB's governing document in accordance with section 97D(2)(a), 97D(3)(a) or 97D(4)(a) of the Act.

**2.5** This application must be accompanied by one or more maps or drawings, which:

(a) is/are prepared to the specifications referred to in regulation 3 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018, and

(b) describe(s) the area of the community to which the CB relates.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

**2.6** Please provide:

<p>(A) The total number of members in the CB.</p>	<input type="text"/>
<p>(B) A breakdown of the total number of each type(s) of membership as stated in the CB's governing document (i.e. memorandum, articles of association, constitution or registered rules).</p>	
<p>(C) The membership details (i.e. name, address and membership type of each of the CB's members).</p>	

**SECTION 3 — THE LAND IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED**

**3.1** Please mark an "X" in the relevant box(es) to indicate the type(s) of land to which this application relates.

Buildings	<input type="checkbox"/>	Recreational Land	<input type="checkbox"/>	If other type of land, please state below <input type="text"/>
Woodland	<input type="checkbox"/>	Brown field site	<input type="checkbox"/>	
Water	<input type="checkbox"/>	Farm/grazing land	<input type="checkbox"/>	
Industrial Site	<input type="checkbox"/>			

**3.2** What is the estimated total area of the land?

**3.3** What county is the land located in?

**3.4** Please provide a written description of the land to which this application relates (e.g. the location of such land; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries and measurements, if applicable).

**3.5** This application must be accompanied by one or more maps or drawings, which:

(a) is/are prepared to the specifications referred to in regulation 3 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018, and

(b) describe(s) the land to which this application relates.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

**3.6** Please mark an "X" in one box which you consider best describes the community's connection to the land in relation to which this application is made.

- A significant number of the members of the community have a connection with the land.
- The land is sufficiently near to land with which those members of the community have a connection.
- The land is in or sufficiently near to the area of the community (the community being the community as defined in response to question 2.4).

Please provide details to explain why the relevant box has been marked with an "X" above.

**SECTION 4 — OWNERSHIP & INTERESTS**

**4.1** Please provide the contact details of the owner of the land to which this application relates.

<b>Contact Name:</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>Company No. (if applicable):</b>	
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**4.2** If the owner has an agent or representative, please provide their contact details.

<b>Contact Name:</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>Company No. (if applicable):</b>	
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**4.3** If there is more than one owner (e.g. the land is in joint or common ownership between a number of owners), then please provide the contact details for the other owner(s), using a separate sheet if necessary.

**4.4** Please confirm the checks carried out (including by whom and when) to establish who owns the land to which this application relates and whether there are any creditors in a standard security with a right to sell the land.

**4.5** Please indicate, by ticking “Yes” or “No”, whether you are aware of the existence of either of the matters listed. You may disregard any obligation that would be suspended, once the application is made, by regulation 15 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018.

An enforceable personal obligation on the owner of the land to sell it to someone else:

YES  NO

Anything else preventing the owner of the land from selling it:

YES  NO

If you ticked “Yes” for either matter listed at 4.5, please provide details for each matter, using a separate sheet if necessary. You should attach evidence to support any matters you raise where possible.

**4.6** Please indicate by ticking “Yes” or “No” whether there are any tenancies of the land or any part of it.

YES  NO

If you ticked "Yes" at 4.6, please provide details for each tenancy, using a separate sheet if necessary.

<b>Name of Tenant(s):</b> <b>Contact Name (if different):</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>E-mail:</b> <b>Term:</b> <b>Nature of Tenancy:</b>	
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**4.7** Please indicate, by ticking "Yes" or "No", whether there are any standard securities in relation to the land or any part of it.

YES  NO

If you ticked "Yes" at 4.7, please provide details for each standard security in relation to the land, using a separate sheet if necessary

<b>Name of Creditor holding security:</b> <b>Contact Name (if different):</b> <b>Postal Address:</b> <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>E-mail:</b> <b>Details of standard security:</b>	
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**4.8** Please indicate, by ticking "Yes" or "No" for each of the planning rights or interests known to the CB, whether that right or interest applies to the land or to any part of it.

Planning permission applied for (by any person) but not yet granted	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Planning permission granted but not yet fully utilised	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Suitable for development under the local development plan	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Subject to a compulsory purchase order	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Any other restriction on the use of the land	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

**4.9** If you ticked "Yes" for any of the rights or interests listed at 4.8 please give details.

**4.10** Please indicate, by ticking "Yes" or "No", whether you know of any other existing rights or interests in the land or any part of it.

YES  NO

**4.11** If you ticked “Yes” at 4.10, please provide details of the holder of each right or interest, using a separate sheet if necessary.

<b>Name of Person Holding Interest:</b> <b>Contact Name (if different):</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>E-mail:</b> <b>Nature of Right or Interest:</b>	
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**4.12** Unless it is impracticable to do so, please attach at least one map or drawing that shows the location of the rights and interests identified under this section (4.1 – 4.11) in relation to the land.

Maps and drawings must comply with regulation 3 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

## SECTION 5 — ELIGIBILITY OF LAND

**5.1** Please provide the basis on which the land is considered to be eligible land under Part 3A of the Land Reform (Scotland) Act 2003.

Please indicate, by ticking “Yes” or “No”, the basis on which you consider that the land is eligible land.

**You must select “Yes” for *at least one* option.**

**5.1.1** The land is wholly or mainly abandoned or neglected.

YES  NO

**5.1.2** The use or management of the land is such that it results in or causes harm, directly or indirectly, to the environmental wellbeing of a relevant community.

YES  NO

**5.2** Please give reasons for the selection(s) you made at 5.1. You must attach evidence for the reasons you give.

**5.3** Complete this question if you claim at 5.1 that that the use or management of the land results in or causes harm, directly or indirectly, to the environmental wellbeing of a relevant community.

**5.3.1** Please indicate, by ticking “Yes” or “No”, whether you consider there to be any relevant regulators.

A regulator is a person or body described in regulation 10 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018.

Whether a regulator is relevant to this application will depend on the nature of the harm to the environmental wellbeing of the community. You should consider whether the regulator could take action, or might reasonably be expected to take action, to remedy or mitigate the harm.

YES  NO

*If you ticked “No”, please explain why you consider there to be no relevant regulators*

**5.3.2** If you ticked “Yes” at 5.3.1, please identify each regulator whom you consider to be relevant, including contact details, and explain why the regulator is relevant, using a separate sheet if necessary.

**5.3.3** Please provide information about each request you made to a relevant regulator to remedy or mitigate the harm and each action taken in response by the regulator, using a separate sheet if necessary.

**5.3.4** Please explain why you consider that the harm is unlikely to be removed, or substantially removed, by the owner of the land continuing to be its owner, using a separate sheet if necessary.

**5.3.5** Please explain why the community body’s purchase of the land is compatible with removing or substantially removing the harm, using a separate sheet if necessary.

**SECTION 6 — STEPS TAKEN TO BUY LAND**

**6.1** Please describe the steps taken by the CB in relation to buying the land.

Please include the date when the CB decided to try to buy the land.

Please provide details of each offer to buy the land or any part of it and whether the offer was made to the owner of the land or to a creditor holding a standard security in relation to the land or any part of it.

Offer Date:

Terms (including amount offered and conditions:

  
  
  
  
  
  
  
  
  
  

Response to offer:

**SECTION 7 — COMMUNITY SUPPORT**

**7.1** Please indicate, by ticking the appropriate box how the ballot result is being / has been notified to Scottish Ministers. **You must select one option.**

Ballot results attached to application

Ballot results already notified to Ministers

Please note that the ballot result must be/have been notified to Ministers in the form specified in schedule 4 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018.

If you indicated at 7.1 that the ballot result has already been notified to Scottish Ministers, please give the date of notification.

## SECTION 8 — PROPOSALS FOR THE LAND

**8.1** Please explain how the CB proposes to use, develop and manage the land to which this application relates.

**8.2** Please explain how the acquisition by the CB of the land to which this application relates is compatible with furthering the achievement of sustainable development in relation to the land to which this application relates.

**8.3** Please explain how the achievement of sustainable development in relation to the land to which this application relates, would be unlikely to be furthered by the owner of the land continuing to be its owner.

**SECTION 9 — PUBLIC INTEREST**

**9.1** Please explain why the exercise by the CB of the right to buy under Part 3A is in the public interest.

**SECTION 10 — DECLARATION**

- We the undersigned have been authorised by the CB to provide the information in this form, the proposals detailed within it and any supporting documents.
- The CB understands that, if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) at any stage during the right to buy process, or if it knowingly withholds any information, this could result in Scottish Ministers deciding not to consent to the exercise of the right to buy.
- The CB has not altered or deleted the original wording of this form.
- The CB understands that this form requires each signatory (2 board members, charity trustees or committee members) to this form to provide his/her full names and home address for the purposes of prevention and detection of fraud.
- The CB confirms that it is still a CB within the requirements of subsection (2), (3) or (4) of section 97D of the Act.
- The CB understands that this form and supporting documents may appear in the Register of Applications by Community Bodies to Buy Land.
- We understand that all or part of the information contained in this form and all information related to this application, may be publicly available via the Register of Applications by Community Bodies to Buy Land.
- We the undersigned have read and understand the terms of this declaration.

We, the undersigned on behalf of the CB as noted at section 1, apply for consent to exercise the right to buy land under Part 3A of the Act.

Name     | |  
Address   | |  
Date      | |  
Position   | |  
Signature .....

Name     | |  
Address   | |  
Date      | |  
Position   | |  
Signature .....

For more information and guidance on the community right to buy and on this form (including where to post this form) please visit [www.gov.scot](http://www.gov.scot) and search for "community right to buy".  
You can also email the completed form and associated documents to [crtb@gov.scot](mailto:crtb@gov.scot)

## NOTICE OF MINISTERS' DECISION ON APPLICATION FOR CONSENT

### **Notice under section 97M(1) of the Land Reform (Scotland) Act 2003 of Scottish Ministers' Decision.**

The Scottish Ministers ("Ministers") have received the application by [*enter name of Part 3A community body*] for consent to exercise the right to buy [*enter full description of the land*] in terms of Part 3A of the Land Reform (Scotland) Act 2003 ("the Act").

Having considered the information provided, Ministers have decided [to give consent/refuse consent – *please delete as appropriate*] to [*enter name of Part 3A community body*] to exercise a right to buy in relation to the land that forms the subject of the application. This decision is dated [*state date of decision*] ("the Decision Date"). This notice states the reasons for that decision.

*[Insert reasons for deciding that consent is given/is refused][Please delete as appropriate]*

#### **Conditions** [*where appropriate*]

\*Ministers' consent to the application made under section 97G of the Act is subject to the following conditions.

*[Insert any conditions imposed under section 97L of the Act]*

#### **Effect of Ministers' Decision**

Any owner, creditor or other person authorised to transfer, or take any action with a view to transferring, the land that forms the subject of the application for consent is prohibited from taking such action from the date that the application appeared as pending in the Register of Applications by Community Bodies to Buy Land.

Exceptions to the prohibition can be found under regulation 12 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018.

Any right of pre-emption, redemption or reversion otherwise exercisable over the land that forms the subject of the application and any right or interest in land

conferred under Part 2 of the Act (the community right to buy) is suspended from the date that the application appeared as pending in the Register of Applications by Community Bodies to Buy Land.

*\*[If consent has been refused include the following]* The prohibition and suspension referred to end on the earlier of:

- the day after the expiry of the time period specified in section 97V(6) of the Act (appeals) for lodging an appeal against Ministers' decision on an application under section 97G of the Act, but only if no appeal is lodged within the appeal period; or
- the day on which the sheriff issues a decision in an appeal under section 97V of the Act, but only if the outcome of the appeal is that the Part 3A community body is refused consent to exercise the right to buy land.

*\*[If consent has been given include the following]* The prohibition and suspension referred to end on the earliest of:

- the expiry of the period specified in section 97P(1) of the Act (confirmation of intention to proceed with purchase and withdrawal), but only if the Part 3A community body did not, within that period, send notice to Ministers and the owner of the land confirming its intention to proceed to buy the land;
- the day on which the owner of the land received a copy of the Ministers' acknowledgement under section 97P(3) of the Act, but only if the matter acknowledged is the Part 3A community body's withdrawal of its application under section 97G of the Act or withdrawal of its confirmation under section 97P(1) of the Act that it intends to proceed to buy the land;
- the day on which the Part 3A community body's application under section 97G in relation to the land is to be treated as withdrawn under section 97R(5) of the Act (completion of transfer); or
- the day on which the transfer of the land is completed under section 97R of the Act.

\*An owner of land may, by virtue of section 97V(1) of the Act (appeals), appeal to the sheriff against a decision by Ministers to consent to an application by a Part 3A community body to exercise a right to buy abandoned, neglected or detrimental land.

\*A Part 3A community body may, by virtue of section 97V(2) of the Act (appeals), appeal to the sheriff against a decision by Ministers not to consent to an application to exercise a right to buy abandoned, neglected or detrimental land.

\* A person who is a member of a community as defined for the purposes of section 97D of the Act (part 3A community bodies) in relation to a Part 3A community body may, by virtue of section 97V(4) of the Act (appeals), appeal to the sheriff against a decision by Ministers to consent to an application to exercise a right to buy abandoned, neglected or detrimental land.

\*A creditor in a standard security with a right to sell land may, by virtue of section 97V(5) of the Act (appeals), appeal to the sheriff against a decision by Ministers to consent to an application to exercise a right to buy abandoned, neglected or detrimental land.

An appeal under section 97V of the Act must be lodged within 28 days of the Decision Date.

\*Any person (other than a Part 3A community body) who has incurred loss or expense in complying with the procedural requirements of Part 3A of the Act, where consent has not been granted is, by virtue of section 97T(1)(a) of the Act (compensation), entitled to compensation from Ministers of such amount as Ministers may determine.

\*Any person (other than a Part 3A community body) who has incurred loss or expense in complying with the procedural requirements of Part 3A of the Act, where consent has been granted is, by virtue of section 97T(1)(a) of the Act (compensation), entitled to compensation from the Part 3A community body.

\* Ministers have granted their consent to the application. Accordingly, and by virtue of section 97Q(4) of the Act (completion of purchase), the owner of the land is obliged to make available to the Part 3A community body such deeds and other

documents as are sufficient to enable the body to proceed to complete its title to the land, and to transfer title accordingly.

*\*Delete as appropriate.*

## SCHEDULE 3

Regulation 9

### PUBLICATION OF BALLOT RESULT

Official Use	
Code	
Received Date	



**Land Reform (Scotland) Act 2003: Part 3A Community Right to Buy  
Abandoned, Neglected or Detrimental Land  
Form of publication of result of ballot  
Section 97J(3)(b) of the Land Reform (Scotland) Act 2003**

**Notes:**

1. This form is to be used by a Part 3A community body that intends to make an application to Ministers under section 97G of the Land Reform (Scotland) Act 2003 (“the Act”) for consent to exercise a right to buy land under Part 3A of the Act and is for the purpose of publishing the result of the ballot that the Part 3A community body has conducted under section 97J of the Act to seek community approval in relation to its proposal to exercise the right to buy the land.
2. The result of the ballot must be published no later than 14 days beginning with the ballot deadline within the meaning given in regulation 6(3)(b) of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018.
3. You may download this form and complete it manually or electronically.
4. If you complete the form manually, please do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
  - o indicate on the form where any answer is given or continued on a separate sheet,
  - o indicate on each separate sheet the question number(s) to which it relates.
6. You may submit the completed form and attached documents -
  - o electronically to [crtb@gov.scot](mailto:crtb@gov.scot), or
  - o by post to Community Land Team, D Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.
7. For more information and guidance on the community right to buy abandoned, neglected or detrimental land (including how to submit this form), please visit [www.gov.scot](http://www.gov.scot) and search for “community right to buy”.

Form of publication of the result of the ballot

**1** The name of the Part 3A community body ("CB") to which the result of the ballot relates.

**2** A description of the land to which the result of the ballot relates.

**3** The ballot deadline within the meaning given in regulation 6(3)(b) of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions)(Scotland) Regulations 2018.

**4** Number of persons eligible to vote in the ballot.

**5** Number of persons eligible to vote who voted in the ballot.

**6** The number of valid votes respectively cast for and against the proposition that the CB buy the land.

## NOTICE TO MINISTERS OF BALLOT RESULT

Official Use	
Code	
Received Date	



**Land Reform (Scotland) Act 2003: Part 3A Community Right to Buy  
Abandoned, Neglected or Detrimental Land  
Return of the result of the ballot  
Section 97J(4) of the Land Reform (Scotland) Act 2003**

## Notes:

1. This form is to be used by a Part 3A community body that intends to make an application to Ministers under section 97G of the Land Reform (Scotland) Act 2003 ("the Act") for consent to exercise a right to buy land under Part 3A of the Act and, is for the purpose of notifying Ministers of the details of the ballot that the Part 3A community body conducted under section 97J of the Act to seek community approval in relation to its proposal to buy the land.
2. The form must be returned within 21 days of the ballot deadline within the meaning given in regulation 6(3)(b) of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018 . If the Part 3A community body makes its application under section 97G of the Act during that period, the Part 3A community body may enclose this form with the application.
3. You may download this form and complete it manually or electronically.
4. If you complete the form manually, please do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
  - o indicate on the form where any answer is given or continued on a separate sheet,
  - o indicate on each separate sheet the question number(s) to which it relates.
6. You may submit the completed form and attached documents -
  - o electronically to [crtb@gov.scot](mailto:crtb@gov.scot), or
  - o by post to Community Land Team, D Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.
7. For more information and guidance on the community right to buy abandoned, neglected or detrimental land (including how to submit this form), please visit [www.gov.scot](http://www.gov.scot) and search for "community right to buy".

**1** What is the name of the Part 3A community body ("CB") to which the result of the ballot relates?

**2** What was the date of the ballot deadline within the meaning given in regulation 6(3)(b) of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018.

**3** What was the wording of the proposition that was put to the community in the vote on whether to buy the land?

**4** How many persons were eligible to vote in the ballot?

**5** How many persons voted?

**6** How many proxy votes were cast?

**7** How many votes were spoilt?

**8** What was the number of votes cast in favour of the proposition that the CB buy the land?

**9** Please provide details of any information that was provided by the CB to the persons eligible to vote in the ballot. If separate sheets are attached they must be referenced accordingly.

**10** Please ask the observer who was appointed to oversee the counting of the votes made on the completed ballot papers and the recording of the result in accordance with regulation 8 of the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Applications, Ballots and Miscellaneous Provisions) (Scotland) Regulations 2018 to read and sign the declaration below.

I, the undersigned, confirm that I oversaw the counting of the votes made on the completed ballot papers and the recording of the result of the ballot to which this form relates.

Name

Address

Telephone

Email

Date

Signature .....

**11** Please provide the name, address, telephone number, email address and position of the member of the CB making this return and sign and date the form where indicated.

Name	
Address	
Telephone	
Email	
Date	
Position	
Signature	.....

## APPLICATION FOR GRANT TOWARDS LIABILITY TO PAY COMPENSATION

Official Use	
Code	APP
Received Date	



**Land Reform (Scotland) Act 2003: Part 3A Community Right to Buy  
Abandoned, Neglected or Detrimental Land**

**Application for grant towards liability for compensation**

**Section 97U(6) of the Land Reform (Scotland) Act 2003**

**Notes:**

1. This form is to be used by a Part 3A community body in order to make an application to Scottish Ministers under section 97U of the Act for a grant towards their liability to pay compensation under section 97T of the Land Reform (Scotland) Act 2003 ("the Act").
2. The form must be returned within the period of 90 days beginning with (a) the date on which the Part 3A community body and the claimant agreed the amount of compensation payable; or (b) the date on which the Lands Tribunal determined a question referred to it under section 97T(5) of the Act as to the amount, if any, of compensation payable.
3. You may download this form and complete it manually or electronically.
4. If you complete the form manually, please do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
  - o indicate on the form where any answer is given or continued on a separate sheet,
  - o indicate on each separate sheet the question number(s) to which it relates.
6. You may submit the completed form and attached documents -
  - o electronically to [crtb@gov.scot](mailto:crtb@gov.scot), or
  - o by post to Community Land Team, D Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.
7. For more information and guidance on the community right to buy abandoned, neglected or detrimental land (including how to submit this form), please visit [www.gov.scot](http://www.gov.scot) and search for "community right to buy".

**SECTION 1 — WHO IS APPLYING**

1.1 Please provide the name of the Part 3A community body ("CB") applying for a grant.

--

1.2 Please supply the registered or principal office of the CB.

<b>Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b>	
--	--

1.3 Please supply the address the CB wishes correspondence to be issued to.

<b>Contact Name:</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>Telephone:</b> <b>Email:</b>	
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## SECTION 2 — DETAILS OF COMPENSATION LIABILITY

2.1 Please provide the name and address of the party seeking compensation from the CB

<b>Contact Name:</b> <b>Postal Address:</b>  <b>Town:</b> <b>County:</b> <b>Country:</b> <b>Postcode:</b> <b>Company No. (if applicable);</b>	
--	--

2.2 Please provide the details of the compensation sought from the CB. Please include whether the loss or expense being sought falls within section 97T(1)(a), (b) or (c) of the Act. If the amount of the claim has been determined by the Lands Tribunal under section 97T(5) of the Act, please include the decision of the Lands Tribunal and any associated documents.

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## SECTION 3 — DETAILS OF GRANT SOUGHT AND CB'S FINANCES

3.1 Please provide the amount of the grant sought by the CB.

--

3.2 Please attach a statement prepared by a financial examiner certifying the details of the finances of the CB and, stating that, after settlement of its other liabilities connected with the exercise of its right to buy under Part 3A of the Act, the CB has insufficient money to pay, or to pay in full, the amount of compensation due under section 97T of the Act. Please ensure that this statement is signed by an office holder of the CB.

Financial statement attached (tick to confirm)

**3.3** Please provide details of all reasonable steps the CB has taken to obtain money in order to pay the compensation.

**3.4** Please provide copies of all correspondence between the CB and the party seeking compensation.

Correspondence attached (tick to confirm)

**3.5** Please provide the bank details of the account into which any grant is to be paid.

#### SECTION 4 — DECLARATION

I, the undersigned, have been authorised by the CB to provide the information contained in this form and any supporting documents.

The CB understands that if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) or if it knowingly withholds any information, this could result in Scottish Ministers deciding not to approve this application.

The CB confirms that any grant provided under section 97U of the Act will be used only in respect of compensation sought under section 97T of the Act.

The CB has not altered the wording of this form.

I have read and understand the terms of this declaration.

Name

Address

Telephone

Email

Date

Position

Signature .....

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with the right to buy abandoned, neglected or detrimental land under Part 3A of the Land Reform (Scotland) Act 2003 (“the 2003 Act”) as inserted by section 74 of the Community Empowerment (Scotland) Act 2015.

Part 2 concerns the application required to be submitted by a Part 3A community body that wishes to apply to Ministers for consent to exercise a right to buy under section 97G of the 2003 Act.

Regulation 2 provides that the application must be in the form specified in schedule 1 and include or be accompanied by information of the kind specified in that schedule.

Regulation 3 provides specifications for maps, plans or other drawings submitted with the application specified in schedule 1.

Regulation 4 sets out the manner in which an application for a right to buy under Part 3A must be publicly notified by Ministers as required by section 97G(11) of the 2003 Act. Notification must be by way of an advertisement in a digital or paper edition of a newspaper that circulates in the area where the community is located or by an advertisement on a publicly available webpage or website maintained by Ministers for purposes which include making any applications under Part 3A available for inspection by the public.

Regulation 5 specifies that a notice of Ministers’ decision on an application as required by section 97M(1) of the 2003 Act is to be in the form specified in schedule 2.

Part 3 concerns the ballot that must be held by the Part 3A community body in the six months preceding the submission of an application under Part 3A as required by section 97J(1) of the 2003 Act.

Regulation 6 provides that the ballot must be conducted in a fair and reasonable manner and as a secret postal ballot. It also requires the Part 3A community body to ascertain all eligible voters in the community and send to them a ballot paper containing the question on which the vote is to be taken, the ballot deadline, a stamped addressed envelope and additional information about the Part 3A community body and its proposal.

Regulation 7 specifies that a person eligible to vote in the ballot may request to be permitted a proxy vote and sets out the requirements for making such a request. The Part 3A community body must permit a proxy vote to a person who makes a valid request.

Regulation 8 requires the Part 3A community body to appoint an observer to oversee the counting of the completed ballot papers and the recording of the result. The observer must be an individual who is independent of the Part 3A community body and must sign a declaration that the person observed the counting and recording of the votes. The declaration is contained in schedule 4.

Regulation 9 specifies that the ballot result must be published not later than 14 days after the ballot deadline (as defined by regulation 6(3)(b)). The result must be provided in the form specified in schedule 3 and include information of the kind specified in that schedule. The result must be published in a digital or paper edition of a newspaper circulating in the area where the community is located and on a publicly accessible webpage or website that is operated by or on behalf of the Part 3A community body, if such a webpage or website exists.

Regulation 10 provides that Ministers must be notified of the ballot result as required by section 97J(4) of the 2003 Act in the form specified in schedule 4.

Regulation 11 requires the Part 3A community body to retain evidence:—

- that, in the course of running the ballot, they complied with regulation 6;
- of all requests for a proxy vote and all proxy votes made under regulation 7; and
- all completed and returned ballot papers

for two years after the ballot deadline.

Regulation 12 provides that a Part 3A community body may apply for reimbursement of the expense of conducting a ballot. The application for reimbursement must be made on or after the date on which the application to buy land is made under section 97G of the 2003 Act and before the earliest of the following dates:—

- on the day after the expiry of the time in which an appeal can be lodged under section 97V(6) of the 2003 Act but only where there is no appeal against a Ministerial decision to allow the application;
- where there is an appeal against a Ministerial decision to allow the application, the day on which the sheriff issues a decision but only if the decision is in favour of an appeal;
- the expiry of the period provided under section 97P(1) of the 2003 Act allowed for the Part 3A community body to inform Ministers that it intends to proceed with the purchase after being given consent to do so but only if the Part 3A community body did not notify Ministers and the owner of the land of its intention to proceed to buy the land;
- the date of notice of withdrawal of the application under section 97P(2)(a) of the Act;
- the date of notice of withdrawal of the confirmation of intention to proceed under section 97P(2)(b) of the Act;
- the day on which the Part 3A community body's application is treated as withdrawn under section 97R(5) of the Act; or
- the day on which the transfer to the Part 3A community body is completed.

Regulation 13 specifies the information that must be included in the Part 3A community body's application for reimbursement of the expense of conducting the ballot.

Regulation 14 provides that Ministers may, no later than 30 days after an application under regulation 12 is received, request further information from the Part 3A community body. The Part 3A community body then has 7 days in which to respond with the information requested or with an explanation as to why the additional information cannot be provided.

Regulation 15 provides that no later than 60 days after the application under regulation 12 is received, Ministers must calculate the amount, if any, to be reimbursed to the Part 3A community body. Only expenses that were incurred in the conduct of the ballot which are directly attributable to the activities specified in regulation 6 are eligible for reimbursement and only provided that they were not incurred retrospectively.

Regulation 16 provides that a Part 3A community body has the right to appeal a decision of Ministers under regulation 15 to the Lands Tribunal. Any appeal under regulation 16 must be lodged within 28 days from the date that the Part 3A community body receives a decision from Ministers under regulation 15. The Lands Tribunal may make an order requiring Ministers to reimburse a specified amount to the Part 3A community body. There is no right of appeal of a decision under regulation 16.

Regulation 17 extends the types of area that can be used by a Part 3A community body when describing the area of the community to which it relates. Section 97D(9) of the 2003 Act provides that a community is defined by reference to a postcode unit or units or a prescribed type of area (or both such unit and type of area) and regulation 17 sets out that they can also refer to electoral wards, community council areas, postcode areas, postcode districts, postcode sectors, an island or a locality or settlement delineated on the maps included in the Population estimates for Settlements and Localities in Scotland – Mid-2016. There is a weblink for accessing this publication noted in the footnotes.

Regulation 18 provides that the charges for copies of entries from the Register of Applications by Community Bodies to Buy Land kept under section 52(1) of the Land Reform (Scotland) Act 2016 are £30 for an extract of registration or a colour plan and £16 for a plain copy of registration or a black and white plan. These amounts are subject to VAT.

Regulation 19 provides that where a Part 3A community body is liable to pay compensation under section 97T of the 2003 Act and are eligible for a grant towards their liability under section 97U of the 2003 Act that the application for that grant must be in the form specified in schedule 5. An application under this regulation must be submitted within 90 days of the date on which they Part 3A community body and the claimant agreed the amount of compensation payable or the date on which the Lands Tribunal determined a question referred to it as to the amount, if any, of compensation due under section 97T(5) of the 2003 Act. Ministers must acknowledge receipt of an application for a grant made in accordance with regulation 19(1) within 7 days of receiving it and issue their decision within 28 days.

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<http://www.legislation.gov.uk/id/ssi/2018/140>