

SCHEDULE 2

Regulation 5

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

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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.

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*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

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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.*