



Land Reform (Scotland) Act 2003

2003 asp 2

PART 2

THE COMMUNITY RIGHT TO BUY

CHAPTER 3

ACTIVATION OF RIGHT TO BUY

50 Power to activate right to buy land where breach of this Part

- (1) If, on an application made to it by a community body which has registered an interest in land, the Lands Tribunal determine that—
- (a) the owner of that land, or a creditor in a standard security with a right to sell that land, has acted in breach of a prohibition under—
 - (i) subsection (5)(e) of section 37 above; or
 - (ii) section 40(1) above; and
 - (b) each of the conditions set out in subsection (2) below is met,
- the Tribunal shall notify Ministers of that fact.
- (2) Those conditions are—
- (a) that the action referred to in subsection (1)(a) above occurred during the period of ten years immediately prior to the date on which the application was made;
 - ^{F1}(b)
 - (c) that the community interest in the land which had been registered, or applied for, before the action referred to in subsection (1)(a) above remains in effect or another has, since then, been registered; and
 - (d) that Ministers have not, on or after the date on which the action referred to in subsection (1)(a) above occurred, received, or been deemed to have received, written notice under subsection (1) of section 54 below from the community body which had, on that date, registered, or applied to register, an interest in the land.
- (3) On receipt of notice under subsection (1) above Ministers shall—
- (a) give notice of the Tribunal's determination to each community body which—

Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 50. (See end of Document for details)

- (i) had registered, or had applied to register, an interest in the land on the date on which the action referred to in subsection (1)(a) above occurred; and
 - (ii) has such an interest on the date on which the notice is served; and
 - (b) send a copy of the notice to the owner of the land^{F2}, to any creditor in a standard security with a right to sell the land] and to the Keeper.
- (4) A notice under subsection (3) above shall narrate the effect of subsection (5) below.
- (5) Where notice is given by Ministers under subsection (3) above the owner of the land is, for the purposes of this Part of this Act, deemed to have, on the date on which notice was given by Ministers, given notice under section 48(1) above that a transfer of the land is proposed.
- ^{F3}(6) For the purposes of subsection (2)(c), the circumstances in which a community interest in land remains in effect include that—
- (a) the community body that applied under subsection (1) has, in accordance with subsection (2) of section 44, applied to re-register the interest, and
 - (b) the Keeper has, by virtue of a direction under subsection (3) of that section, re-entered the interest in the Register.]

Textual Amendments

- F1** S. 50(2)(b) repealed (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\), s. 142\(1\), Sch. 5](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F2** Words in s. 50(3)(b) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\), ss. 47\(a\), 142\(1\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F3** S. 50(6) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\), ss. 47\(b\), 142\(1\)](#); S.S.I. 2015/399, art. 2, Sch. (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 50.