



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### [<sup>F1</sup>PART 3A

#### COMMUNITY RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL LAND

#### [<sup>F1</sup>97D Part 3A community bodies

- (1) A Part 3A community body is, subject to subsection (6)—
  - (a) a body falling within subsection (2), (3) or (4), or
  - (b) a body of such other description as may be prescribed which complies with prescribed requirements.
- (2) A body falls within this subsection if it is a company limited by guarantee the articles of association of which include the following—
  - (a) a definition of the community to which the company relates,
  - (b) provision enabling the company to exercise the right to buy land under this Part,
  - (c) provision that the company must have not fewer than 10 members,
  - (d) provision that at least three quarters of the members of the company are members of the community,
  - (e) provision whereby the members of the company who consist of members of the community have control of the company,
  - (f) provision ensuring proper arrangements for the financial management of the company,
  - (g) provision that any surplus funds or assets of the company are to be applied for the benefit of the community, and
  - (h) provision that, on the winding up of the company and after satisfaction of its liabilities, its property (including any land acquired by it under this Part) passes—
    - (i) to such other community body or crofting community body as may be approved by Ministers, or
    - (ii) if no other community body or crofting community body is so approved, to Ministers or to such charity as Ministers may direct.

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**Changes to legislation:** *There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 97D. (See end of Document for details)*

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- (3) A body falls within this subsection if it is a Scottish charitable incorporated organisation (a “SCIO”) the constitution of which includes the following—
- (a) a definition of the community to which the SCIO relates,
  - (b) provision enabling the SCIO to exercise the right to buy land under this Part,
  - (c) provision that the SCIO must have not fewer than 10 members,
  - (d) provision that at least three quarters of the members of the SCIO are members of the community,
  - (e) provision under which the members of the SCIO who consist of members of the community have control of the SCIO,
  - (f) provision ensuring proper arrangements for the financial management of the SCIO,
  - (g) provision that, on the request of any person for a copy of the minutes of a meeting of the SCIO, the SCIO must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,
  - (h) provision that, where a request of the type mentioned in paragraph (g) is made, the SCIO—
    - (i) may withhold information contained in the minutes, and
    - (ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and
  - (i) provision that any surplus funds or assets of the SCIO are to be applied for the benefit of the community.
- (4) A body falls within this subsection if it is a community benefit society the registered rules of which include the following—
- (a) a definition of the community to which the society relates,
  - (b) provision enabling the society to exercise the right to buy land under this Part,
  - (c) provision that the society must have not fewer than 10 members,
  - (d) provision that at least three quarters of the members of the society are members of the community,
  - (e) provision under which the members of the society who consist of members of the community have control of the society,
  - (f) provision ensuring proper arrangements for the financial management of the society,
  - (g) provision that, on the request of any person for a copy of the minutes of a meeting of the society, the society must, if the request is reasonable, give the person within 28 days of the request a copy of those minutes,
  - (h) provision that, where a request of the type mentioned in paragraph (g) is made, the society—
    - (i) may withhold information contained in the minutes, and
    - (ii) if it does so, must inform the person requesting a copy of the minutes of its reasons for doing so, and
  - (i) provision that any surplus funds or assets of the society are to be applied for the benefit of the community.
- (5) Ministers may, if they think it in the public interest to do so, disapply the requirement specified in subsection (2)(c), (3)(c) or (4)(c) in relation to any body they may specify.

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*Changes to legislation:* There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 97D. (See end of Document for details)

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- (6) A body is not a Part 3A community body unless Ministers have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development.
- (7) Ministers may by regulations from time to time amend subsections (2), (3) and (4).
- (8) If provision is made under subsection (1)(b), Ministers may by regulations make such amendment of section 97E(1) in consequence of that provision as they consider necessary or expedient.
- (9) A community—
  - (a) is defined for the purposes of subsection (2)(a), (3)(a) and (4)(a) by reference to a postcode unit or postcode units or a prescribed type of area (or both such unit and type of area), and
  - (b) comprises the persons from time to time—
    - (i) resident in that postcode unit or in one of those postcode units or in that prescribed type of area, and
    - (ii) entitled to vote, at a local government election, in a polling district which includes that postcode unit or those postcode units or that prescribed type of area (or part of it or them).
- (10) In subsection (9), “postcode unit” means an area in relation to which a single postcode is used to facilitate the identification of postal service delivery points within the area.
- (11) The articles of association of a company which is a Part 3A community body may, notwithstanding the generality of paragraph (h) of subsection (2), provide that its property may, in the circumstances mentioned in that paragraph, pass to another person only if that person is a charity.
- (12) In this section—
  - “charity” means a body entered in the Scottish Charity Register,
  - “community benefit society” means a registered society (within the meaning of section 1 of the Co-operative and Community Benefit Societies Act 2014) registered as a community benefit society under section 2 of that Act,
  - “company limited by guarantee” has the meaning given by section 3(3) of the Companies Act 2006,
  - “registered rules” has the meaning given by section 149 of that Act of 2014 (as that meaning applies in relation to community benefit societies),
  - “Scottish charitable incorporated organisation” has the meaning given by section 49 of the Charities and Trustee Investment (Scotland) Act 2005.]

#### Textual Amendments

- F1** Pt. 3A inserted (30.6.2017 for specified purposes, 27.6.2018 in so far as not already in force) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), **ss. 74, 142(1)**; [S.S.I. 2017/192](#), art. 2; [S.S.I. 2018/139](#), art. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 97D.