



Land Reform (Scotland) Act 2003

2003 asp 2

[^{F1}PART 3A

COMMUNITY RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL LAND

[^{F1}97G **Right to buy: application for consent**

- (1) The right to buy under this Part may be exercised only by a Part 3A community body.
- (2) That right may be so exercised only with the consent of Ministers given on the written application of the Part 3A community body.
- (3) That right may be exercised in relation to more than one holding of land but in order so to exercise the right an application must be made in respect of each such holding and applications so made may be differently disposed of.
- (4) In subsection (3), a “holding” of land is land in the ownership of one person or in common or joint ownership.
- (5) An application under this section—
 - (a) must be made in the prescribed form,
 - (b) must specify—
 - (i) the owner of the land,
 - (ii) any tenant of the land, and
 - (iii) any creditor in a standard security over the land or any part of it, and
 - (c) must include or be accompanied by information of the prescribed kind including information (provided, where appropriate, by or by reference to maps or drawings) about the matters mentioned in subsection (6).
- (6) The matters are—
 - (a) the reasons the Part 3A community body considers that its proposals for the land are—
 - (i) in the public interest, and
 - (ii) compatible with furthering the achievement of sustainable development in relation to the land,
 - (b) the reasons the Part 3A community body considers that the land is—
 - (i) wholly or mainly abandoned or neglected, or

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- (ii) being used or managed in such a way as to result in or cause harm as mentioned in section 97C(2)(b),
 - (c) the location and boundaries of the land in respect of which the right to buy is sought to be exercised,
 - (d) all rights and interests in the land known to the Part 3A community body,
 - (e) the proposed use, development and management of the land, and
 - (f) where the Part 3A community body has made a request to a relevant regulator as mentioned in section 97H(5)(b) (“relevant regulator” being construed in accordance with section 97H(6)), information about the request.
- (7) A Part 3A community body applying under this section must, at the same time as it applies—
- (a) send a copy of its application and the accompanying information to the owner of the land to which the application relates, and
 - (b) where there is a standard security in relation to the land or any part of it, send a copy of the application and the accompanying information to the creditor who holds the standard security and invite the creditor—
 - (i) to notify the Part 3A community body and Ministers, within 60 days of receipt of the invitation, if any of the circumstances set out in subsection (8) has arisen (or arises within 60 days of receipt of the invitation), and
 - (ii) if such notice is given, to provide Ministers, within that time, with the creditor's views in writing on the application.
- (8) Those circumstances are that—
- (a) a calling-up notice has been served by the creditor under section 19 of the Conveyancing and Feudal Reform (Scotland) Act 1970 in relation to the land which the Part 3A community body is seeking to exercise its right to buy or any part of the land and that notice has not been complied with,
 - (b) a notice of default served by the creditor under section 21 of that Act in relation to the land or any part of the land has not been complied with and the person on whom the notice was served has not, within the period specified in section 22 of that Act, objected to the notice by way of application to the court,
 - (c) where that person has so objected, the court has upheld or varied the notice of default,
 - (d) the court has granted the creditor a warrant under section 24 of that Act in relation to the land or any part of the land.
- (9) On receipt of an application under this section, Ministers must—
- (a) invite—
 - (i) the owner of the land,
 - (ii) any tenant of the land,
 - (iii) any creditor in a standard security over the land or any part of it, and
 - (iv) any other person whom Ministers consider to have an interest in the application,
 to send them, so as to be received not later than 60 days after the sending of the invitation, views in writing on the application,
 - (b) take reasonable steps to invite the owners of all land contiguous to the land to which the application relates to send them, so as to be received not later than

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- 60 days after the sending of the invitation, views in writing on the application, and
- (c) send copies of invitations given under paragraphs (a) and (b) to the Part 3A community body.
- (10) An invitation given under subsection (9)(a)(i) must also invite the owner to give Ministers information about—
- (a) whether the owner considers that it would be in the public interest for Ministers to consent to the application and, if not, the reasons the owner considers that it would not be in the public interest for such consent to be given,
 - (b) whether the owner's continuing to own the land would be compatible with furthering the achievement of sustainable development in relation to the land,
 - (c) whether the owner considers the land to be wholly or mainly neglected or abandoned or, as the case may be, to be used or managed in such a way as to result in or cause harm as mentioned in section 97C(2)(b) and the reasons for the owner's view,
 - (d) any proposals that the owner has for the land,
 - (e) any rights or interests in the land of which the owner is aware that are not mentioned in the application, and
 - (f) any other matter that the owner considers is relevant to the application.
- (11) Ministers must, as soon as practicable after receiving an application, give public notice of it and of the date by which, under subsection (9)(a), views are to be received by them and, in that notice, invite persons to send to Ministers, so as to be received by them not later than 60 days after the publication of the notice, views in writing on the application.
- (12) That public notice is to be given by advertisement in such manner as may be prescribed.
- (13) Ministers must—
- (a) send copies of any views they receive under this section to the Part 3A community body, and
 - (b) invite it to send them, so as to be received by them not later than 60 days after the sending of that invitation, its responses to these views.
- (14) Ministers must, when considering whether to consent to an application under this section, have regard to all views on it and responses to the views which they have received in answer to invitations under this section.
- (15) Ministers must decline to consider an application which—
- (a) does not comply with the requirements of or imposed under this section,
 - (b) is otherwise incomplete, or
 - (c) otherwise indicates that it is one which Ministers would be bound to reject;
- and Ministers are not required to comply with subsections (9) to (14) in relation to such an application.
- (16) Ministers must not reach a decision on an application before—
- (a) the date which is 60 days after the last date on which the Part 3A community body may provide Ministers with a response to the invitation given under subsection (13), or

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- (b) if by that date the Lands Tribunal has not advised Ministers of its finding on any question referred to it under section 97X in relation to the application, the date on which the Lands Tribunal provides Ministers with that finding.
- (17) A Part 3A community body may require Ministers to treat as confidential any information or document relating to arrangements for the raising or expenditure of money to enable the land to be put to a particular use, being information or a document made available to Ministers for the purposes of this section.]

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)

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