



Land Reform (Scotland) Act 2003

2003 asp 2

[^{F1}PART 3A

COMMUNITY RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL LAND

[^{F1}97J **Ballot to indicate approval for purposes of section 97H**

- (1) The community, defined in pursuance of section 97D in relation to a Part 3A community body which has applied to buy land, are to be taken for the purposes of section 97H(1)(i) as having approved a proposal to buy if—
 - (a) a ballot of the members of the community so defined has, during the period of six months which immediately preceded the date on which the application was made, been conducted by the Part 3A community body on the question whether the Part 3A community body should buy the land,
 - (b) in the ballot—
 - (i) at least half of the members of the community so defined have voted, or
 - (ii) fewer than half of the members of the community so defined have voted but the proportion which voted is sufficient to justify the Part 3A community body's proceeding to buy the land, and
 - (c) the majority of those voting have voted in favour of the proposition that the Part 3A community body buy the land.
- (2) The ballot is to be conducted as prescribed.
- (3) The provisions prescribed must in particular include provision for—
 - (a) the ascertainment and publication of—
 - (i) the number of persons eligible to vote in the ballot,
 - (ii) the number who did vote, and
 - (iii) the numbers of valid votes respectively cast for and against the proposition mentioned in subsection (1)(c), and
 - (b) the form and manner in which the result of the ballot is to be published.
- (4) The Part 3A community body which conducts a ballot must, within 21 days of the ballot (or, if its application under section 97G is made before the expiry of that period,

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

together with the application), and in the prescribed form of return, notify Ministers of—

- (a) the result,
 - (b) the number of persons eligible to vote,
 - (c) the number of persons who voted, and
 - (d) the number of persons who voted in favour of the proposition mentioned in subsection (1)(c).
- (5) Ministers may require the Part 3A community body—
- (a) to provide such information relating to the ballot as they think fit, and
 - (b) to provide such information relating to any consultation with those eligible to vote in the ballot undertaken during the period in which the ballot was carried out as Ministers think fit.
- (6) Subject to subsection (7), the expense of conducting a ballot under this section is to be met by the Part 3A community body.
- (7) Ministers may by regulations make provision for or in connection with enabling a Part 3A community body, in such circumstances as may be specified in the regulations, to apply to them to seek reimbursement of the expense of conducting a ballot under this section.
- (8) Regulations under subsection (7) may in particular make provision in relation to—
- (a) the circumstances in which a Part 3A community body may make an application by virtue of that subsection,
 - (b) the method to be applied by Ministers in calculating the expense of conducting the ballot,
 - (c) the criteria to be applied by Ministers in deciding whether to make a reimbursement to the applicant,
 - (d) the procedure to be followed in connection with the making of—
 - (i) an application to Ministers,
 - (ii) an appeal against a decision made by Ministers in respect of an application,
 - (e) persons who may consider such an appeal,
 - (f) the powers of such persons.
- (9) If the ballot is not conducted as prescribed, the Part 3A community body's right to buy the land to which the body's application relates is, so far as proceeding on that application, extinguished.]

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 97J.