



Land Reform (Scotland) Act 2003

2003 asp 2

[^{F1}PART 3A

COMMUNITY RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL LAND

[^{F1}97S Assessment of value of land etc.

- (1) Where Ministers consent to an application made under section 97G, they must, subject to subsection (2), within 7 days of doing so appoint a valuer, being a person who appears to Ministers to be suitably qualified, independent and to have knowledge and experience of valuing land of a kind which is similar to the land being bought, to assess the value of the land to which the application relates.
- (2) The validity of anything done under this section is not affected by any failure by Ministers to comply with the time limit specified in subsection (1).
- (3) In assessing the value of land in pursuance of an appointment under subsection (1), a valuer—
 - (a) does not act on behalf of the owner of the land or of the Part 3A community body which is exercising its right to buy the land under this Part, and
 - (b) is to act as an expert and not as an arbiter.
- (4) The value to be assessed is the market value of the land as at the date when Ministers consented to the application made under section 97G relating to the land.
- (5) The “market value” of land is the aggregate of—
 - (a) the value it would have on the open market as between a seller and a buyer both of whom are, as respects the transaction, willing,
 - (b) any depreciation in the value of other land or interests belonging to the seller which may result from the transfer of land, including depreciation caused by division of the land by the transfer of land to the Part 3A community body, and
 - (c) the amount attributable to any disturbance to the seller which may arise in connection with the transfer of the land to the Part 3A community body.
- (6) In arriving, for the purposes of this section, at the value which land would have on the open market in the circumstances mentioned in subsection (5)(a)—

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

- (a) account may be taken, in so far as a seller and buyer such as are mentioned in subsection (5) would do so, of any factor attributable to the known existence of a person who (not being the Part 3A community body which is exercising its right to buy the land) would be willing to buy the land at a price higher than others would because of a characteristic of the land which relates peculiarly to that person's interest in buying it,
 - (b) no account is to be taken of—
 - (i) any depreciation of the type mentioned in subsection (5)(b),
 - (ii) any disturbance of the type mentioned in subsection (5)(c),
 - (iii) the absence of the period of time during which the land would, on the open market, be likely to be advertised and exposed for sale.
- (7) The expense of a valuation under this section is to be met by Ministers.
- (8) In carrying out a valuation under this section, the valuer must—
- (a) invite—
 - (i) the owner of the land, and
 - (ii) the Part 3A community body which is exercising its right to buy the land,
 to make representations in writing about the value of the land, and
 - (b) consider any representations made accordingly.
- (9) Where written representations under subsection (8) are received—
- (a) from the owner of the land, the valuer must invite the Part 3A community body which is exercising its right to buy the land to send its views on the representations in writing,
 - (b) from the Part 3A community body which is exercising its right to buy the land, the valuer must invite the owner of the land to send the owner's views on the representations in writing.
- (10) In carrying out a valuation under this section, the valuer must consider any views sent under subsection (9).
- (11) Where the Part 3A community body and the owner of the land have agreed the valuation of the land they must notify the valuer in writing of that valuation.
- (12) The valuer must, within the period set out in subsection (13), notify Ministers, the Part 3A community body and the owner of the land of the assessed value of the land.
- (13) The period referred to in subsection (12) is the period of 8 weeks beginning with the date of appointment of the valuer or such longer period as Ministers may, on an application by the valuer, fix.
- (14) The validity of anything done under this Part is not affected by any failure by a valuer to comply with the time limit specified in subsection (13).]

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 97S.