



# 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>97V Appeals

- (1) An owner of land may appeal to the sheriff against a decision by Ministers to give consent to the exercise by a Part 3A community body of its right to buy the land.
- (2) A Part 3A community body may appeal to the sheriff against a decision by Ministers not to give consent to the exercise by the Part 3A community body of its right to buy.
- (3) Subsection (2) does not extend to Ministers' decision under section 97K on which of two or more applications to buy the same land is to proceed.
- (4) A person who is a member of a community as defined for the purposes of section 97D in relation to a Part 3A community body may appeal to the sheriff against a decision by Ministers to consent to the exercise by the Part 3A community body of its right to buy land.
- (5) A creditor in a standard security with a right to sell land may appeal to the sheriff against a decision by Ministers to give consent to the exercise by a Part 3A community body of its right to buy the land.
- (6) An appeal under subsection (1), (2), (4) or (5) must be lodged within 28 days of the date on which Ministers decided to consent to the exercise of the right to buy land or refuse such consent.
- (7) The sheriff in whose sheriffdom the land or any part of it is situated has jurisdiction to hear an appeal under this section.
- (8) Where an appeal is made—
  - (a) under subsection (1) the owner must intimate that fact to—
    - (i) the Part 3A community body,
    - (ii) Ministers, and
    - (iii) any creditor in a standard security with a right to sell the land to which the appeal relates,

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

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- (b) under subsection (2) the Part 3A community body must intimate that fact to—
    - (i) the owner,
    - (ii) Ministers, and
    - (iii) any creditor in a standard security with a right to sell the land to which the appeal relates,
  - (c) under subsection (4) the member of the community must intimate that fact to—
    - (i) the Part 3A community body,
    - (ii) the owner,
    - (iii) Ministers, and
    - (iv) any creditor in a standard security with a right to sell the land to which the appeal relates, or
  - (d) under subsection (5), the creditor must intimate that fact to—
    - (i) the Part 3A community body,
    - (ii) the owner, and
    - (iii) Ministers.
- (9) The decision of the sheriff in an appeal under this section—
- (a) may require rectification of the [<sup>F2</sup>New Register],
  - (b) may impose conditions upon the appellant,
  - (c) is final.]

#### **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)
- F2** Words in s. 97V(9)(a) substituted (27.6.2018) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), **sch. 1 para. 1(7)** (with s. 128); [S.S.I. 2018/138](#), art. 3, sch. 2

**Changes to legislation:**

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