

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Community rights to buy land

Modifications of Part 2 of Land Reform (Scotland) Act 2003 : the community right to buy

Circumstances where expenses of valuation to be met by owner of the land

130. [Section 57](#) of the Act inserts a new section 60A into the 2003 Act. The new section 60A provides that, in certain circumstances, Ministers may require the landowner to pay the expenses of Ministers in connection with the valuation.
131. Subsection (1) of the new section 60A sets out the circumstances in which Ministers may exercise their discretion and require the landowner to pay the expenses incurred by Ministers in connection with the valuation.
132. Subsection (2) sets out that Ministers have a discretion to require the landowner to meet the costs associated with the valuation where the circumstances in subsection (1) are met. Where Ministers exercise their discretion, a demand for payment will be sent to the landowner.
133. Subsection (3) allows Ministers to request information from the landowner before deciding whether to exercise their discretion.
134. Subsection (4) provides that the landowner may appeal Ministers' decision to exercise their discretion to the sheriff within 21 days of the Ministers' decision. In terms of subsection (5), the sheriff's decision is final.
135. Subsection (6) provides that, where the landowner has not appealed the Ministers' decision, the landowner must pay the amount specified within 28 days of receiving the demand. Where the landowner appeals the Ministers' decision and the appeal is not successful, the landowner must pay the amount within 28 days of the determination of the appeal.