



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 4

COMMUNITY RIGHTS TO BUY LAND

Modifications of Part 2 of Land Reform (Scotland) Act 2003

43 Evidence and notification of concluded missives or option agreements

After section 39 of the 2003 Act, insert—

“39A Evidence and notification of concluded missives or option agreements

- (1) Subsection (2) applies where—
 - (a) an application to register a community interest in land is made,
 - (b) on the date on which the application is received by Ministers—
 - (i) missives for the sale and purchase of the land have been concluded, or
 - (ii) an agreement conferring an option to acquire the land exists, and
 - (c) the application does not disclose that such missives have been concluded or such an agreement exists.
- (2) The owner of the land or, as the case may be, a creditor in a standard security with a right to sell the land must, within 21 days of receiving a copy of the application under section 37(5)(a)—
 - (a) provide Ministers with evidence of the concluded missives or (as the case may be) the agreement,
 - (b) where there is an agreement such as is mentioned in subsection (1)(b)
 - (i) which contains a date on which it will expire—
 - (i) notify Ministers of that date, and

Status: This is the original version (as it was originally enacted).

- (ii) provide Ministers with information about whether, and if so how, the agreement is capable of being extended.
- (3) Subsection (4) applies where—
 - (a) an application to register a community interest in land is made,
 - (b) on the date on which the application is received by Ministers—
 - (i) missives for the sale and purchase of the land have been concluded, or
 - (ii) an agreement conferring an option to acquire the land exists,
 - (c) the application discloses that such missives have been concluded or such an agreement exists, and
 - (d) accordingly, by virtue of section 39(4A) and (5), no copy of the application is sent to the owner of the land or, as the case may be, a creditor in a standard security with a right to sell the land.
- (4) Ministers must—
 - (a) send a copy of the application and the accompanying information to the owner of the land or, as the case may be, the creditor,
 - (b) notify the owner of the land or, as the case may be, the creditor that Ministers must decline to consider the application by virtue of section 39(5), and
 - (c) require the owner of the land or, as the case may be, the creditor to provide Ministers with the information mentioned in subsection (5) within 21 days of receipt of the copy of the application sent under paragraph (a).
- (5) The information is—
 - (a) evidence of the concluded missives or, as the case may be, the agreement, and
 - (b) where there is an agreement such as is mentioned in subsection (3)(b)
 - (ii) which contains a date on which it will expire—
 - (i) that date, and
 - (ii) information about whether, and if so how, the agreement is capable of being extended.”.