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

51 Representations etc. regarding circumstances affecting ballot result

(1) After section 51B of the 2003 Act (inserted by section 50), insert—

"**51C Circumstances affecting result of ballot**

(1) Within 14 days of receipt by the community body of notification under section 52(3) of the result of the ballot, the body may make representations to Ministers in writing about any circumstances that the body considers have affected the result of the ballot.

(2) Where the community body makes such representations it must, when making them—

(a) provide Ministers with such evidence as is reasonably necessary to establish the existence and effect of the circumstances to which the representations relate, and

(b) send a copy of the representations and the evidence to the owner of the land to which the ballot relates.

(3) Within 7 days of receipt of any representations under subsection (1), Ministers may request the community body to provide such further information relating to the representations or related evidence as they think fit.

(4) Within 7 days of receiving such a request, the community body must respond to it.

(5) Within 7 days of receipt of a copy of the representations and evidence under subsection (2)(b), the owner of the land may provide Ministers with comments on the representations and evidence.

(6) Where the owner of the land provides comments under subsection (5) the owner must, when providing them, send a copy of the comments to the community body.

(7) Within 7 days of receipt of a copy of comments under subsection (6), the community body may give Ministers views on the comments.

(8) Within 7 days of receipt of any views under subsection (7), Ministers may request the community body to provide such further information relating to the views as they think fit.

(9) Within 7 days of receiving such a request, the community body must respond to it.

(10) In deciding whether they are satisfied as mentioned in section 51(2)(a), Ministers must take account of any—

(a) representations made under subsection (1),

(b) evidence provided under subsection (2)(a),

(c) further information provided under subsection (4) or (9),

(d) comments under subsection (5), and

(e) views under subsection (7).”.

(2) In section 51 of the 2003 Act (exercise of right to buy: approval of community and consent of Ministers), after subsection (6), insert—

“(6A) Where a community body makes representations under section 51C(1), the references to 21 days in paragraphs (a) and (b) of subsection (6) are to be read as references to 35 days.”.

Commencement Information

I1 S. 51 in force at 15.4.2016 by S.S.I. 2015/399, art. 2, **Sch.** (with art. 3)

Status:
Point in time view as at 15/04/2016.

Changes to legislation:
There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Section 51.