

LAND REFORM (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Right to Buy Land to Further Sustainable Development

Register of Applications by Community Bodies to Buy Land

Section 52 – Register of Applications by Community Bodies to Buy Land

225. *Section 52(1)* provides for the creation of a Register of Applications by Community Bodies to Buy Land (the “New Register”) to be set up and kept by the Keeper of the Registers of Scotland (the “Keeper”).
226. Subsection (2) specifies the information and documents which must be kept in the Part 5 Register and provides that these must be kept in a form convenient for public inspection.
227. Subsection (3) requires that any person providing information or making a decision that requires to be registered in the New Register must give it or a copy of it to the Keeper to be as soon as reasonably practicable.
228. Subsections (4) and (5) allow a Part 5 community body when registering an application to require that information or documentation which relates to the raising or expenditure of money to allow land to which the application relates to be used should be withheld from public inspection and is to be kept separately by the Scottish Ministers. Such information or documentation will not be entered in the New Register. Subsection (6) states that nothing in subsections (4) and (5) empowers Ministers to require a Part 5 community body or third party purchaser to provide such information or documentation.
229. Subsection (7) confers powers on Ministers to make regulations to amend the information that is to be made publicly available in the New Register, to amend the provision about the Part 5 community body requesting that certain information can be withheld from the Register and amending the type of information that may be withheld.
230. Subsection (8) and (9) requires the Part 5 community body to notify the Keeper of changes to its name, registered office address or principal office address (as the case may be depending on its constitution).
231. Subsection (10) sets out the duties which are imposed on the Keeper. The Keeper must make the New Register available at all reasonable times for inspection free of charge, ensure that members of the public are able to request copies of the entries on payment of a charge as may be set out by Ministers in regulations, and that if anyone requests a true copy of the original document this will be supplied on payment of such a charge. Subsection (11) confirms that a certified extract is allowable as evidence.
232. Subsection (12) provides that the Keeper means the Keeper of the Registers of Scotland or such person as Ministers appoint to carry out the Keeper’s functions and subsection (13) allows for the appointment of different person for different persons.