



# Land Reform (Scotland) Act 2016

## 2016 asp 18

### PART 5

#### RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

##### *Key terms*

#### **48 Eligible land: tenant's interests**

- (1) This section applies where a tenancy which is not—
  - (a) a croft tenancy,
  - (b) the tenancy of a dwelling-house, or
  - (c) such other kind of tenancy as the Scottish Ministers may by regulations specify,has been created over land at least part of which is eligible land.
- (2) In this section—

“principal subjects” means eligible land any part of which is the tenanted land,  
“tenanted land” means the land over which the tenancy has been created.
- (3) Where this section applies, a Part 5 community body may apply, under section 54, to buy the interest mentioned in subsection (4)—
  - (a) where—
    - (i) it is simultaneously applying, or
    - (ii) it has made an application in respect of which the Scottish Ministers have not made a decision,to buy the principal subjects, or
  - (b) if the conditions set out in subsection (5) are met, during the relevant period.
- (4) The interest is the interest of the tenant over so much of the tenanted land as is comprised within the principal subjects.
- (5) The conditions are that the Part 5 community body or, as the case may be, the third party purchaser—

---

**Changes to legislation:** *Land Reform (Scotland) Act 2016, Section 48 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) has provided confirmation under section 62(1) or, as the case may be, (2) of its intention to proceed to buy the principal subjects, or
  - (b) has bought and retained those subjects in accordance with the provisions of this Part.
- (6) In this section “relevant period” means the period beginning with the date on which the Scottish Ministers consented to the application under section 54 to buy the principal subjects and ending—
- (a) where the Part 5 community body or, as the case may be, the third party purchaser does not proceed to exercise its right to buy those subjects, on the date—
    - (i) on which it withdraws, under section 62(3)(b) or, as the case may be, (4)(b), its confirmation so to proceed, or
    - (ii) of its failure otherwise to complete the purchase, or
  - (b) where the Part 5 community body or, as the case may be, the third party purchaser has bought and retained those subjects, 5 years after the date on which the Part 5 community body or the third party purchaser bought those subjects.
- (7) In this Part “tenant” includes sub-tenant.

---

**Commencement Information**

**II**    [S. 48](#) in force at 26.4.2020 by [S.S.I. 2020/20](#), reg. 2, [sch.](#)

**Changes to legislation:**

Land Reform (Scotland) Act 2016, Section 48 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2017/299, regs. 5-14, by [S.S.I. 2017/370](#) reg. 34