



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—

Status: This is the original version (as it was originally enacted).

- (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.