



Land Reform (Scotland) Act 2016

2016 asp 18

PART 5

RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

Appeals and references

69 Appeals to sheriff

- (1) An owner of land may appeal to the sheriff against a decision by the Scottish Ministers to give consent to an application made under section 54.
- (2) Where such an application is to buy a tenant's interest, the tenant may appeal to the sheriff against a decision by the Scottish Ministers to give consent to the application.
- (3) A Part 5 community body may appeal to the sheriff against a decision by the Scottish Ministers not to give consent to an application made under section 54.
- (4) Subsection (3) does not extend to the Scottish Ministers' decision under section 58 on which of two or more applications made under section 54 to buy the same land or tenant's interest is to proceed.
- (5) A person who is a member of a community (defined under section 49(9)) to which an application relates may appeal to the sheriff against a decision by the Scottish Ministers to give consent to an application made under section 54.
- (6) A creditor in a standard security with a right to sell land may appeal to the sheriff against a decision by the Scottish Ministers to give consent to an application made under section 54.
- (7) An appeal under this section must be lodged within 28 days of the date of the Scottish Ministers' decision on an application made under section 54.
- (8) The sheriff in whose sheriffdom the land which is the subject of the application (or, as the case may be, over which the tenancy has been created) or any part of it is situated has jurisdiction to hear an appeal under this section.
- (9) Where an appeal is made—
 - (a) under subsection (1) the owner must intimate that fact to—

Changes to legislation: Land Reform (Scotland) Act 2016, Section 69 is up to date with all changes known to be in force on or before 25 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

- (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) where the application is to buy a tenant's interest, the tenant,
 - (iv) the Scottish Ministers, and
 - (v) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (b) under subsection (2) the tenant must intimate that fact to—
 - (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) the owner,
 - (iv) the Scottish Ministers, and
 - (v) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (c) under subsection (3) the Part 5 community body must intimate that fact to—
 - (i) where the application nominates a third party purchaser, the third party purchaser,
 - (ii) the owner,
 - (iii) where the application is to buy a tenant's interest, the tenant,
 - (iv) the Scottish Ministers, and
 - (v) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (d) under subsection (5) the member of the community must intimate that fact to—
 - (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) the owner,
 - (iv) where the application is to buy a tenant's interest, the tenant,
 - (v) the Scottish Ministers, and
 - (vi) any creditor in a standard security with a right to sell the land to which the appeal relates,
 - (e) under subsection (6) the creditor must intimate that fact to—
 - (i) the Part 5 community body,
 - (ii) where the application nominates a third party purchaser, the third party purchaser,
 - (iii) the owner,
 - (iv) where the application is to buy a tenant's interest, the tenant, and
 - (v) the Scottish Ministers.
- (10) The decision of the sheriff in an appeal under this section—
- (a) may require rectification of the New Register,
 - (b) may impose conditions upon the appellants,
 - (c) is final.

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Commencement Information

II S. 69 in force at 26.4.2020 by [S.S.I. 2020/20](#), reg. 2, [sch.](#)

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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](#)