



Land Reform (Scotland) Act 2003

2003 asp 2

PART 2

THE COMMUNITY RIGHT TO BUY

CHAPTER 4

PROCEDURE AFTER ACTIVATION OF RIGHT TO BUY

56 Procedure for buying

- (1) It is for the community body to make the offer to buy in exercise of the right conferred by this Part of this Act.
- (2) The offer shall be at a price—
 - (a) agreed between the community body and the owner of the land; or
 - (b) where no such agreement is reached, equal to—
 - (i) the value assessed by the appointed valuer; or
 - (ii) if that value is the subject of an appeal under section 62 below, the value determined by the appeal,and shall specify the date of entry and of payment of the price in accordance with subsection (3) below.
- (3) The date of entry and of payment of the price shall be—
 - (a) a date not later than [^{F18}] months from the date when the community body sent the confirmation sought by Ministers under section 49(2)(a) above of its intention to buy;
 - (b) where the price assessed by the appointed valuer is the subject of an appeal under section 62 below which has not, within the period of 4 months after the date when the community body sent that confirmation, been—
 - (i) determined; or
 - (ii) abandoned following agreement between the community body and the owner of the land,a date not later than 2 months after the appeal is so determined or, as the case may be, abandoned; or

Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 56. (See end of Document for details)

- (c) such later date as may be agreed between the community body and the owner of the land.
- (4) The offer may include such other reasonable conditions as are necessary or expedient to secure the efficient progress and completion of the transfer.
- (5) If a community body has not, within the period fixed by or agreed under subsection (3) above, done any of the things mentioned in subsection (6) below, the community body's right to buy the land is extinguished and Ministers shall—
 - (a) direct the Keeper to delete its interest in the land from the Register; and
 - (b) notify the owner of the land of that fact.
- (6) The things referred to in subsection (5) above are—
 - (a) concluding missives with the owner of the land for its sale to the community body;
 - (b) if the community body has not so concluded missives, taking all steps which, in the opinion of the Lands Tribunal, it could reasonably have taken in the time available towards so concluding missives short of applying to the Lands Tribunal for an order under section 57 below; and
 - (c) where—
 - (i) paragraph (b) above applies;
 - (ii) all such steps as are there mentioned have been taken; and
 - (iii) there has been, in the opinion of the Lands Tribunal, reasonably sufficient time also to apply to the Lands Tribunal for an order under section 57 below,
 applying to the Lands Tribunal accordingly.
- [^{F2}(7) Where a later date is agreed as mentioned in subsection (3)(c), the community body must, within 7 days of the agreement—
 - (a) notify Ministers in writing of the agreement,
 - (b) inform Ministers—
 - (i) of the date on which the agreement was made, and
 - (ii) what the later date is, and
 - (c) provide evidence to Ministers of the matters mentioned in paragraph (b).]

Textual Amendments

- F1** Word in s. 56(3)(a) substituted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), [ss. 54\(a\)](#), 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F2** S. 56(7) inserted (15.4.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), [ss. 54\(b\)](#), 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)

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