
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018

Restrictions on dealings in section 97G land while application pending

Restriction period

- 11.**—(1) Regulations 12 to 14 apply during the restriction period being the period that—
- (a) begins on the date on which a pending application made under section 97G of the Act appears on the Register of Applications by Community Bodies to Buy Land; and
 - (b) ends on the end date as determined in accordance with paragraph (2) or (3) as the case may be.
- (2) If the Part 3A community body is refused consent to exercise the right to buy land, the end date is the earlier of—
- (a) the day after the expiry of the time period specified in 97V(6) of the Act (appeals) for lodging an appeal against the decision on an application under section 97G of the Act, but only if no appeal is lodged within the appeal period; or
 - (b) the day on which the sheriff issues a decision in an appeal under section 97V of the Act, but only if the outcome of the appeal is that the Part 3A community body is refused consent to exercise the right to buy land.
- (3) If the Part 3A community body is given consent to exercise the right to buy the land, the end date is the earliest of—
- (a) the expiry of the period specified in section 97P(1) of the Act (confirmation of intention to proceed with purchase and withdrawal), but only if the Part 3A community body did not, within that period, notify Ministers and the owner of the land of its intention to proceed to buy the land;
 - (b) the day on which the owner of the land receives a copy of the Ministers' acknowledgement under section 97P(3) of the Act, but only if the matter acknowledged is the Part 3A community body's withdrawal of—
 - (i) its application under section 97G of the Act; or
 - (ii) its confirmation under section 97P(1) of the Act that it intends to proceed to buy the land;
 - (c) the day on which the Part 3A community body's application under section 97G in relation to the land is to be treated as withdrawn under section 97R(5) of the Act (completion of transfer);
 - (d) the day on which the consideration is paid in accordance with section 97R(2) or (3) of the Act provided that, on that day, the owner is able to effect the grant of a good and marketable title to the Part 3A community body; or

- (e) the day on which, following the consignment of the consideration or estimate of what the consideration might be into the Lands Tribunal under section 97R(4) of the Act, the owner grants a good and marketable title to the Part 3A community body or the Part 3A community body gives notice to the Tribunal of its decision not to proceed to complete the transaction.