
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Right to Buy Land to Further Sustainable Development (Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing) (Scotland) Regulations 2020

Eligible land

Eligible land: types of occupancy or possession that are to be treated as a tenancy

3.—(1) The types of occupation and possession that are to be treated as a tenancy for the purposes of section 46(2)(a) (eligible land) of the Act are—

- (a) occupation or possession of tied accommodation,
- (b) occupation or possession under a licence agreement that is in the nature of a tenancy,
- (c) occupation or possession of residential accommodation other than under a tenancy—
 - (i) in connection with an individual’s employment or education, and
 - (ii) in a building or structure that is owned or occupied by the employer or education provider,
- (d) temporary occupation or possession offered, on a night-by-night basis, other than under a tenancy, to individuals who are homeless persons, and
- (e) occupation or possession by a liferenter.

(2) In this regulation —

“liferenter” means an individual who, by virtue of a liferent, has the right—

- (a) to receive for life the benefits of the property, and
- (b) to live in the building or structure, or on the land, for life,

“tied accommodation” means accommodation provided to an individual by their employer in the form of a service occupancy (that is, in return or part return for the performance by the individual of services under the employment agreement).

Excluded land: land pertaining to land occupied by an individual’s home

4. The following types of land are specified under section 46(2)(a) of the Act—

- (a) land that forms the curtilage of the individual’s home,
- (b) land that is used for one or more of the following purposes—
 - (i) the storage of possessions kept by the occupants of the individual’s home that are used for the maintenance, upkeep or subsistence of the individual’s home or its occupants,
 - (ii) the storage of vehicles that are used by the occupants of the individual’s home,

- (iii) drainage, water supply or the provision of other services (such as media or electricity) for the individual's home,
- (iv) the growing of food which is principally for the subsistence of the occupants of the individual's home,
- (v) activities including recreation and leisure activities which are incidental to the use of the individual's home,
- (vi) the keeping of pets belonging to the occupants of the individual's home,
- (vii) access to the individual's home, if the land is owned by the same person that owns that home.

Excluded land: land held or used by a Minister of the Crown or government department

5. Land that is held or used by a Minister of the Crown or government department within the meaning of paragraph 3 of Part 1 of schedule 5 of the Scotland Act 1998⁽¹⁾ is excluded land for the purposes of section 46 of the Act.

⁽¹⁾ 1998 c.46.