

SCHEDULE 5

Regulation 8

FORM OF NOTICE UNDER SECTION 37(17) OF THE ACT OF
MINISTERS' DECISION ON WHETHER OR NOT A COMMUNITY
INTEREST IS TO BE REGISTERED OR RE-REGISTERED

**Notice under section 37(17) of the Land Reform (Scotland) Act 2003
of Scottish Ministers' Decision**

The Scottish Ministers ("Ministers") have received the application by [*enter name of community body*] to [*register/re-register – please delete as appropriate*] a community interest in [*enter details of the land*] in terms of Part 2 of the Land Reform (Scotland) Act 2003 ("the Act").

Having considered the information provided Ministers have decided that the interest [*is/is not - please delete as appropriate*] to be entered in the Register of Community Interests in Land ("the Register"). Ministers' decision is effective from [*enter date of decision*] ("the Decision Date"). This notice states the reasons for that decision.

[Insert reasons for deciding that the interest is/is not to be registered]

Effect of Ministers' Decision

*Where a community interest in land is registered or where that interest has been re-registered, the owner of the land and any creditor in a standard security having the right to sell the land, is prohibited from transferring the land, or any part of it, or from taking any action with a view to transferring the land, or any part of it, while the interest is registered in the Register. This is subject to section 40(4) of the Act.

*A community body may apply to re-register their interest in the land within 6 months before the expiry of the period of 5 years that a registered interest has effect.

*A community body and owner of the land have a duty under section 44A of the Act to notify changes to information relating to a registered interest to Ministers as soon as reasonably practicable after the change.

*Should an owner of land in respect of which a community interest is registered or, as the case may be, a creditor in a standard security with a right to sell the land proposes to transfer that land (or any part of it) that person is required to notify Ministers and the community body of such a proposed transfer under section 48 of the Act in the form set out in Schedule 6 of the Community Right to Buy (Scotland) Regulations 2015.

*Under section 45 of the Act, if Ministers are satisfied that there has, since the date on which they decided that a community interest should be registered (or re-registered) in the Register, been a change in any matters to the extent that, if the application to register that community interest were made afresh, they would decide that the interest is not to be entered in the Register, they shall direct the Keeper to delete that interest.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Where a community interest in land is registered in pursuance of a “late” application (section 39(4) of the Act) the owner of the land is, for the purposes of the Act, deemed to have, on the date on which that interest is so registered, given notice under section 48(1) of the Act that a transfer is proposed, and the community body is deemed to have sent the confirmation which Ministers would have required to seek under section 49(2)(a) of the Act, had section 49 of the Act applied.

*An owner of land may, by virtue of section 61(1) of the Act appeal to the sheriff against a decision by Ministers that a community interest in the land is to be entered in the Register.

*A community body may, by virtue of section 61(2) of the Act, appeal to the sheriff against a decision by Ministers that its community interest is not to be entered in the Register.

*A person who is a member of a community may, by virtue of section 61(3) of the Act appeal to the sheriff against a decision by Ministers that a community interest in land is to be entered in the Register.

*A creditor in a standard security with a right to sell land may by virtue of section 61(3A) of the Act, appeal to the sheriff against a decision by Ministers that a community interest in the land is to be entered in the Register.

*An appeal under section 61 of the Act should be lodged within 28 days of the date on which Ministers decided whether to enter the community interest in the Register.

*Any person (other than a community body) who has incurred loss or expense in complying with the procedural requirements of Part 2 of the Act is by virtue of section 63 of the Act entitled to compensation from Ministers of such amount as Ministers may determine.

*Ministers have, pursuant to section 39(5) of the Act, decided to decline to consider the application. Accordingly, the community body’s interest is not to be entered in the Register and the prohibition applying by virtue of section 37(5)(e) of the Act ceases to apply from the Decision Date.

*Ministers have, pursuant to section 37(11) of the Act, decided to decline to consider the application. Accordingly, the community body’s interest is not to be entered in the Register, and the prohibition applying by virtue of section 37(5)(e) of the Act ceases to apply from the Decision Date.

**Delete as appropriate.*