
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 114

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

Restrictions on dealings while application pending

Certain dealings prohibited during restriction period

8.—(1) For the purposes of section 61(1) (effect of Ministers' decision on right to buy) of the Act, during the restriction period the persons specified in paragraph (2) are prohibited from carrying out the dealings referred to in paragraph (3) or (4).

(2) The specified persons are any person who, but for the prohibition in paragraph (1), would be authorised to carry out a transaction, action or dealing referred to in paragraph (3) or (4).

(3) The following dealings are prohibited during the restriction period where an application under section 54 of the Act is seeking consent to exercise a right to buy land—

- (a) any transfer of the ownership of the land that is subject to an application under section 54 of the Act or land that includes land that is subject to an application under section 54 of the Act,
- (b) any action taken with a view to a transfer of land prohibited by sub-paragraph (a).

(4) The following dealings are prohibited during the restriction period where an application under section 54 of the Act is seeking consent to exercise a right to buy a tenant's interest—

- (a) any assignation of the tenant's interest which is subject to an application under section 54 of the Act,
- (b) any action taken with a view to an assignation of the tenant's interest which is prohibited by sub-paragraph (a).

(5) For the purposes of paragraph (3)(b), action is taken with a view to transfer land when—

- (a) the land is advertised or otherwise exposed for sale by or with the authority of the owner of the land or a creditor in a standard security with the right to sell the land,
- (b) the owner or such a creditor, or a person acting on behalf of the owner or such a creditor, enters into negotiations with another party with a view to the transfer of the land,
- (c) the owner or such a creditor, or a person acting on behalf of the owner or such a creditor, proceeds further with any proposed transfer of the land which was initiated prior to the date on which the pending application appeared on the Register of Applications by Community Bodies to Buy Land.

(6) For the purposes of paragraph (4)(b), action is taken with a view to assign the tenant's interest when—

- (a) the tenant's interest is advertised or otherwise exposed for sale by or with the authority of the of the tenant or a creditor in a standard security with a right to sell the interest,

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- (b) the tenant or such a creditor, or a person acting on behalf of the tenant or such a creditor, enters into negotiations with another with a view to assigning the tenant's interest,
- (c) the tenant or such a creditor, or a person acting on behalf of the tenant or such a creditor, proceeds further with any proposed assignation of the tenant's interest which was initiated prior to the date on which the pending application appeared on the Register of Applications by Community Bodies to Buy Land.