



Land Reform (Scotland) Act 2003

2003 asp 2

PART 2

THE COMMUNITY RIGHT TO BUY

CHAPTER 6

APPEALS

62 Appeals to Lands Tribunal: valuation

- (1) The owner of the land and the community body which is exercising its right to buy the land may appeal to the Lands Tribunal against the valuation carried out under section 59 above.
- (2) An appeal under this section shall state the grounds on which it is being made and shall be lodged within 21 days of the date of notification under section 60 above.
- (3) In an appeal under this section, the Lands Tribunal may reassess the value of—
 - (a) the land;
 - (b) any moveable property used in connection with, and being sold with, the land; or
 - (c) both the land and any such moveable property.
- (4) The valuer whose valuation is appealed against may be a witness in the appeal proceedings.
- ^{F1}(5)
- ^{F1}(6)
- (7) The Lands Tribunal shall give reasons for its decision on an appeal under this section and issue a written statement of those reasons ^{F2}...^{F3}
 - (a) within 8 weeks of hearing the appeal, or
 - (b) where subsection (7A) applies, by such later date referred to in paragraph (b) (ii) of that subsection.]

Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 62. (See end of Document for details)

[^{F4}(7A) This section applies where—

- (a) the Lands Tribunal considers that it is not reasonable to issue a written statement mentioned in subsection (7) by the time limit specified in paragraph (a) of that subsection, and
- (b) before the expiry of that time limit, the Lands Tribunal has notified the parties to the appeal—
 - (i) that the Tribunal is unable to issue a written statement by that time limit, and
 - (ii) of the date by which the Tribunal will issue such a written statement.]

(8) The validity of anything done under this Part of this Act is not affected by any failure of the Lands Tribunal [^{F5}—

- (a) to comply with the time limit specified in paragraph (a) of subsection (7) above, or
- (b) to issue a written statement by the date referred to in paragraph (b) of that subsection.]

[^{F6}(8A) Where the owner of the land or the community body appeals under this section, the owner or, as the case may be, the community body must, within 7 days of the date on which the appeal is made, notify Ministers in writing of—

- (a) the making of the appeal, and
- (b) the date of the making of the appeal.

(8B) The Lands Tribunal must send a copy of the written statement of reasons issued under subsection (7) to Ministers.

(8C) Failure to comply with subsection (8A) or (8B) has no effect on—

- (a) the community body's right to buy the land, or
- (b) the validity of the appeal.]

(9) Ministers are not competent parties to any appeal under this section by reason only that they appointed the valuer whose valuation is the subject of the appeal.

(10) Ministers' powers under the Lands Tribunal Act 1949 (c. 42) to make rules as respects that Tribunal extend to such rules as may be necessary or expedient to give full effect to this section.

Textual Amendments

- F1** S. 62(5) (6) repealed (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6) , s. 142(1) , Sch. 5 ; S.S.I. 2015/399 , art. 2 , Sch. (with art. 3)
- F2** Words in s. 62(7) repealed (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6) , s. 142(1) , Sch. 5 ; S.S.I. 2015/399 , art. 2 , Sch. (with art. 3)
- F3** S. 62(7)(a) (b) inserted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6) , ss. 59(2) , 142(1) ; S.S.I. 2015/399 , art. 2 , Sch. (with art. 3)
- F4** S. 62(7A) inserted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6) , ss. 59(3) , 142(1) ; S.S.I. 2015/399 , art. 2 , Sch. (with art. 3)
- F5** S. 62(8)(a) (b) substituted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6) , ss. 59(4) , 142(1) ; S.S.I. 2015/399 , art. 2 , Sch. (with art. 3)
- F6** S. 62(8A)-(8C) inserted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6) , ss. 59(5) , 142(1) ; S.S.I. 2015/399 , art. 2 , Sch. (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 62.