

Status: Point in time view as at 15/04/2016.

Changes to legislation: There are currently no known outstanding effects for the Community Empowerment (Scotland) Act 2015, Cross Heading: Land Reform (Scotland) Act 2003. (See end of Document for details)

SCHEDULE 4 MINOR AND CONSEQUENTIAL AMENDMENTS

Land Reform (Scotland) Act 2003

- 8 (1) The Land Reform (Scotland) Act 2003 is amended as follows.
- (2) In section 37 (registration of interest in land)—
- (a) in subsection (4)(a), after “sought”, insert “ to be registered ”,
 - (b) after subsection (7)(b), insert “and
 - (c) any notice sent under section 44A,”,
 - (c) in subsection (11)(c), for the words “not registrable land”, substitute “ excluded land as defined in section 33(2) above ”,
 - (d) in subsection (18), after paragraph (a), insert—
 - “(aa) where the decision is that such an interest is to be entered in the Register, contain information about the duties imposed under section 44A,” and
 - (e) in subsection (19), after “above”, insert “ , including that subsection as modified by section 39(2)(b) below, ”.
- (3) In section 51 (exercise of right to buy: approval of community and consent of Ministers)—
- (a) in subsection (2)(a)(i), the words “conducted by the community body” are repealed, and
 - (b) in subsection (6)—
 - (i) in paragraph (a), after “receipt”, insert “ by Ministers ”,
 - (ii) in that paragraph, the words “conducted by the body” are repealed, and
 - (iii) in paragraph (b), the words “conducted by those bodies” are repealed.
- (4) In section 52 (ballot procedure)—
- (a) in subsection (3)—
 - (i) for the words “community body which conducts a ballot”, substitute “ ballotter appointed under section 51A ”,
 - (ii) after “notify”, insert “ Ministers, the community body, the owner of the land to which the ballot relates and any creditor in a standard security with a right to sell the land of ”,
 - (iii) the word “and” immediately following paragraph (c) is repealed,
 - (iv) after paragraph (d), insert—
 - “(e) the wording of that proposition, and
 - (f) any information provided by the ballotter to persons eligible to vote in the ballot.”, and
 - (v) the words “to Ministers” are repealed, and
 - (b) after subsection (4), insert—
 - “(5) Within 7 days of receiving notification under subsection (3) above, Ministers may—
 - (a) require the ballotter to provide such information relating to the ballot as they think fit,

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- (b) require the community body to provide such information relating to any consultation with those eligible to vote in the ballot undertaken during the period in which the ballot was carried out as Ministers think fit.
- (6) The validity of anything done under this Part of this Act is not affected by any failure by a ballotter to comply with the time limit specified in subsection (4).”.
- (5) In section 68 (land which may be bought: eligible croft land), in subsection (5), for “the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c.26)”, substitute “ section 69(1) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ”.
- (6) In section 98 (general and supplementary provisions)—
 - (a) in subsection (5)—
 - (i) after “33,”, insert “ 35(4), ”,
 - (ii) for “78 or 94”, substitute “ 72(4), 78, 94 or 97E(4) ”, and
 - (iii) after “above”, insert “ or regulations made under section 34(A1)(b), (4A) or (4B), 38(2B), 71(A1)(b), (4A) or (4B), 97C(4), (5) or (6), 97D(1)(b), (7) or (8), 97F(9), 97H(6) or 97N(1) or (3) above ”,
 - (b) after subsection (5), insert—
 - “(5A) In making a decision under section 38(1), 44(3), 51(1)(b), 73(2) or 97G(2), Ministers are to have regard to the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 subject to—
 - (a) any amendments in force in relation to the United Kingdom for the time being, and
 - (b) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.”, and
 - (c) in subsection (8), for “and 52(3)”, substitute “ , 52(3), 97G(7) and (9) and 97J(4) ”.

Commencement Information

- I1** Sch. 4 para. 8(1)(2)(d)(4)(a) in force at 13.11.2015 for specified purposes by S.S.I. 2015/358, art. 2, Sch.
- I2** Sch. 4 para. 8(1)(2)(d)(4)(a) in force at 15.4.2016 in so far as not already in force by S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- I3** Sch. 4 para. 8(2)(a)-(c)(e)(3)(4)(b)(5)(6) in force at 15.4.2016 by S.S.I. 2015/399, art. 2, Sch. (with art. 3)

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