

LAND REFORM (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Right to Buy Land to Further Sustainable Development

Appeals and references

Section 69 – Appeals to sheriff

351. **Section 69** sets out rights of appeal in connection with decisions of the Scottish Ministers on an application under section 54.
352. Subsections (1), (2), (5) and (6) provide that the owner of land, the tenant where the application relates to a tenant's interest, a person who is a member of the community to which a Part 5 community body relates and a creditor in a standard security with a right to sell land to which an application relates may appeal against the Scottish Ministers' decision to consent to an application made under section 54.
353. Subsection (3) allows the Part 5 community body to appeal against a decision by the Scottish Ministers to refuse an application. Where there is more than one Part 5 community body wishing to purchase the land, subsection (4) provides that Ministers' decision on which community body's application will proceed is final and cannot be appealed to the sheriff.
354. Subsection (7) specifies the timeframe within which an appeal may be made.
355. Subsection (8) specifies that the sheriff court with the jurisdiction to hear an appeal is the sheriffdom in which the land which is the subject of the application (or as the case may be, over which the tenancy has been created) is located.
356. Subsection (9) specifies who each appellant must inform when an appeal is made.
357. Subsection (10) provides that the sheriff's decision may require rectification of the New Register, may impose conditions on the appellant, and is final.