



Land Reform (Scotland) Act 2016

2016 asp 18

PART 5 **S**

RIGHT TO BUY LAND TO FURTHER SUSTAINABLE DEVELOPMENT

Procedure following consent

VALID FROM 26/04/2020

63 **Completion of purchase** **S**

- (1) It is for the Part 5 community body or, as the case may be, the third party purchaser to secure the expeditious exercise of its right to buy and, in particular—
- (a) to prepare the documents necessary to—
 - (i) effect the transfer to it of the land or, as the case may be, the assignation to it of the tenant's interest, and
 - (ii) impose any conditions (including any real burdens or servitudes) which the Scottish Ministers, under section 59, require to be imposed upon the title to land, and
 - (b) in so doing, to ensure—
 - (i) that the land in the application to which the Scottish Ministers have consented is that to be transferred or assigned, and
 - (ii) that the transfer or assignation is to be effected in accordance with any other conditions imposed by the Scottish Ministers under section 59.
- (2) Where the Part 5 community body or, as the case may be, the third party purchaser is unable to fulfil the duty imposed by subsection (1)(b) because the land or part of the land in respect of which the Scottish Ministers' consent was given is—
- (a) not owned by the person named as its owner in the application made under section 54, or
 - (b) not tenanted by the person named as its tenant in the application made by virtue of section 48(3),
- it must refer that matter to the Scottish Ministers.

Status: Point in time view as at 30/11/2017. This version of this provision is not valid for this point in time.

Changes to legislation: Land Reform (Scotland) Act 2016, Section 63 is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) On a reference under subsection (2), the Scottish Ministers must direct that the right to buy of the Part 5 community body or, as the case may be, of the third party purchaser is, so far as proceeding on that application, extinguished.
- (4) The owner of the land being bought is obliged—
 - (a) to make available to the Part 5 community body or, as the case may be, the third party purchaser such deeds and other documents as are sufficient to enable completion of its title to the land, and
 - (b) to transfer title accordingly.
- (5) If the owner of the land refuses or fails to make those deeds and other documents available (or they cannot be found) within 6 weeks of the date on which the Scottish Ministers consent to an application to buy land, the Lands Tribunal may, on the application of the Part 5 community body or, as the case may be, the third party purchaser, order the owner or any other person appearing to the Lands Tribunal to have those deeds and documents to produce them.
- (6) If the owner of the land refuses or fails to effect such sufficient transfer as is mentioned in subsection (4), the Lands Tribunal may, on the application of the Part 5 community body or, as the case may be, the third party purchaser, authorise its clerk to adjust, execute and deliver such deeds or other documents as will complete such transfer to the same force and effect as if done by the owner or person entitled.
- (7) Where an application is to buy a tenant's interest, the tenant is obliged to make available to the Part 5 community body or, as the case may be, the third party purchaser such deeds and other documents as are sufficient to enable completion of its acquisition of the tenant's interest and the tenant is obliged to effect the assignation of the tenant's interest accordingly.
- (8) If the tenant refuses or fails to make those deeds and other documents available (or they cannot be found) within 6 weeks of the date on which the Scottish Ministers consent to an application to buy a tenant's interest, the Lands Tribunal may, on the application of the Part 5 community body or, as the case may be, the third party purchaser, order the tenant or any other person appearing to the Lands Tribunal to have those deeds and documents to produce them.
- (9) If the tenant refuses or fails to effect the assignation of the tenant's interest in accordance with subsection (7), the Lands Tribunal may, on the application of the Part 5 community body or, as the case may be, the third party purchaser, authorise its clerk to adjust, execute and deliver such deeds or other documents as will complete the assignation to the same force and effect as if done by the tenant.

Status:

Point in time view as at 30/11/2017. This version of this provision is not valid for this point in time.

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