



Land Reform (Scotland) Act 2003

2003 asp 2

PART 2

THE COMMUNITY RIGHT TO BUY

CHAPTER 4

PROCEDURE AFTER ACTIVATION OF RIGHT TO BUY

52 Ballot procedure

(1) The ballot shall be conducted as prescribed; and the provisions prescribed shall include provision for the ascertainment and publication of the number of persons eligible to vote in the ballot, the number who did so and the numbers of valid votes respectively cast for and against the proposition mentioned in section 51(2)(b) above.

^{F1}(2)

(3) The [^{F2}ballotter appointed under section 51A] shall, within the period set out in subsection (4) below and in the prescribed form of return, notify [^{F3}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]—

- (a) the result;
- (b) the number of persons eligible to vote;
- (c) the number who voted; ^{F4}...
- (d) the number who voted in favour of the proposition mentioned in section 51(2)(b) above,
- [^{F5}(e) the wording of that proposition, and
- (f) any information provided by the ballotter to persons eligible to vote in the ballot.]

^{F6} ...

(4) The period referred to in subsection (3) above is the period of [^{F7}12 weeks beginning with—

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Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 52. (See end of Document for details)

- (a) the date on which a valuer is appointed under section 59(1) in respect of the land in relation to which the community body has confirmed it will exercise its right to buy, or
 - (b) where—
 - (i) the ballotter receives notification under subsection (3C) of section 60, and
 - (ii) the date notified under paragraph (c) of that subsection is after the end of the 12 week period beginning with the date on which a valuer is appointed as mentioned in paragraph (a) above,
 the day following the date notified to the ballotter under paragraph (c) of that subsection.]
- [^{F8}(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,
 - (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).]
- [^{F9}(7) Provision may be prescribed for or in connection with—
- (a) reviewing whether a ballot was conducted in accordance with provision prescribed under subsection (1),
 - (b) providing notification to such persons, or description of persons, as may be prescribed that a ballot has not been so conducted,
 - (c) in a case where a ballot has not been so conducted, requiring a further ballot to be conducted on such a basis, and by such persons or description of persons, as may be prescribed,
 - (d) requiring any such further ballot to be conducted—
 - (i) in compliance with such conditions as may be prescribed (including conditions that the ballot be conducted in accordance with provision prescribed under subsection (1)),
 - (ii) within such timescales as may be prescribed,
 - (e) specifying persons, or descriptions of persons, who are to meet the expenses of conducting any such further ballot,
 - (f) specifying that any review mentioned in paragraph (a) be carried out by—
 - (i) such persons,
 - (ii) such description of persons, or
 - (iii) such a court or tribunal,
 as may be prescribed,
 - (g) specifying the action that may be taken by such persons, persons of such description or such a court or tribunal following such a review.]

Textual Amendments

F1 S. 52(2) 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)

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- F2** Words in s. 52(3) substituted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(4)(a)(i)**; S.S.I. 2015/358, art. 2, Sch.; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F3** Words in s. 52(3) inserted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(4)(a)(ii)**; S.S.I. 2015/358, art. 2, Sch.; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F4** Word in s. 52(3) repealed (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(4)(a)(iii)**; S.S.I. 2015/358, art. 2, Sch.; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F5** S. 52(3)(e)(f) inserted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(4)(a)(iv)**; S.S.I. 2015/358, art. 2, Sch.; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F6** Words in s. 52(3) repealed (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(4)(a)(v)**; S.S.I. 2015/358, art. 2, Sch.; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F7** Words in s. 52(4) substituted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), **ss. 53(1)**, 142(1); S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F8** S. 52(5)(6) inserted (15.4.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **Sch. 4 para. 8(4)(b)**; S.S.I. 2015/399, art. 2, Sch. (with art. 3)
- F9** S. 52(7) inserted (13.11.2015 for specified purposes, 15.4.2016 in so far as not already in force) by Community Empowerment (Scotland) Act 2015 (asp 6), **ss. 52**, 142(1); S.S.I. 2015/358, art. 2, Sch.; S.S.I. 2015/399, art. 2, Sch. (with art. 3)

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Changes to legislation:

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