



# Community Empowerment (Scotland) Act 2015

2015 asp 6

## PART 4

### COMMUNITY RIGHTS TO BUY LAND

#### *Mediation*

#### 75 **Parts 2, 3 and 3A of Land Reform (Scotland) Act 2003: mediation**

Before section 98 of the 2003 Act, insert—

#### **“97Z1 Mediation**

- (1) Subsection (2) applies where—
  - (a) a community body seeks to—
    - (i) register an interest in land under Part 2, or
    - (ii) exercise its right to buy land under that Part,
  - (b) a crofting community body seeks to exercise its right to buy—
    - (i) land under Part 3,
    - (ii) the interest of a tenant under section 69A, or
    - (iii) eligible sporting interests under section 70, or
  - (c) a Part 3A community body seeks to exercise its right to buy land under Part 3A.
- (2) Ministers may, on being requested to do so by a person mentioned in paragraph (a), (b), (c), (d), (e), (f) or (as the case may be) (g) of subsection (3), take such steps as they consider appropriate for the purpose of arranging, or facilitating the arrangement of, mediation in relation to the proposed—
  - (a) registration of the interest in land under Part 2, or
  - (b) exercise of the right to buy the land, tenant’s interest, or (as the case may be) eligible sporting interests.
- (3) The persons are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the owner of the land,
  - (b) any creditor in a standard security over the land or any part of it with a right to sell the land or any part of it,
  - (c) the community body,
  - (d) the crofting community body,
  - (e) the Part 3A community body,
  - (f) the tenant in relation to whose interest the crofting community body seeks to exercise its right to buy,
  - (g) the owner of the eligible sporting interests in relation to which the crofting community body seeks to exercise its right to buy.
- (4) The steps mentioned in subsection (2) include—
- (a) appointing a mediator,
  - (b) making payments to mediators in respect of services provided,
  - (c) reimbursing reasonable expenses of mediators.
- (5) In subsection (3)(b), the reference to a creditor in a standard security over the land or any part of it with a right to sell the land or any part of it is a reference to a creditor who has such a right under—
- (a) section 20(2) or 23(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970, or
  - (b) a warrant granted under section 24(1) of that Act.”.